

**MINUTES OF THE ONE THOUSAND NINE HUNDRED FORTY FIFTH****REGULAR MEETING MAY 16, 2022**

On May 16, 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 McIntyre led the meeting with the Pledge of Allegiance.

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

Elected and appointed officials present: Mike Fisher, Assistant City Attorney; Susan M. Nash, City Clerk; Sara Kasprowicz, Program Supervisor of Council Office; Mark Taormina, Director of Planning and Economic Development; and Todd Zilincik, City Engineer.

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

**#164-22** RESOLVED, that the Minutes of the 1,944<sup>th</sup> Regular Meeting of the Council held May 2, 2022 are approved as presented.

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

**#165-22** RESOLVED, that the Minutes of the 255<sup>th</sup> Special Meeting of the Council held May 4, 2022 are approved as presented.

Police Chief Thomas Goralski was present to introduce retired Police Chief Robert Stevenson, present on behalf of the Michigan Association of Chiefs of Police.

Mr. Stevenson thanked Council for their time and indicated he was proud to present the Livonia Police Department with an Award of Certification for reaccreditation. Mr. Stevenson indicated the department was originally accredited in 2019 and continues to be an exemplary example of accredited police departments in the State of Michigan.

Mr. Stevenson introduced current Program Manager, Neil Rosso, on behalf of the Michigan Association of Chiefs of Police.

Mr. Rosso thanked Council for their time and stated it was an honor to be present on behalf of the Association for the presentation to the Livonia Police Department. Mr. Rosso indicated Council, elected officials, and the entire community should be very proud of Livonia's accomplishment as this award must be earned. Mr. Rosso then introduced Ron Wiles, current President of the Michigan Association of Chiefs of Police.

Police Chief Ron Wiles, President of the Michigan Association of Police Chiefs stated he was honored to be present to present the Livonia Police Department with their Award of Certification for Reaccreditation. Chief Wiles presented the Award of Certificate to Livonia Chief Goralski and stated all should be proud of the department's dedication and accomplishments.

Police Chief Thomas Goralski thanked all who participated tonight on behalf of the Michigan Association of Police Chiefs. Chief Goralski stated this was a departmental achievement. Chief Goralski thanked the Livonia accreditation team for all of their hard work, thanked his Command Staff for their hard work and steering the department, and thanked all elected officials for their support of the Police Department.

Councilmember Bahr presented a Proclamation on behalf of the Mayor and City Council to declare May 20, 2022 "Josie Smith Day at City Hall". Councilmember Bahr thanked Josie Smith for her dedication and years of service and volunteer work in the community.

Josie Smith was present to accept the Proclamation on behalf of the Mayor and City Council and thanked all for the honor.

Councilmembers thanked Josie Smith for her hard work and dedication throughout the years to the Livonia community.

During Audience Communication, Preston Peterson, representative on behalf of State Representative Jewell Jones, was present to congratulate the Police Department on receiving their Award of Reaccreditation, indicated it was great to have such a great asset in the community as Josie Smith, and thanked Council members and all elected officials for their service to the City.

Ishmael Terry, introduced himself as a candidate running for State Representative in the 16<sup>th</sup> District and stated he will soon be hosting a "Meet and Greet" event at the Hand-D-Dip on Five Mile Road. He invited Council and residents to attend the event and welcomed and valued their input.

Vice President Toy announced the recent passing of former Police Chief Lee Grieve, whose funeral arrangements are being handled by Harry J. Will Funeral Home in Livonia. Vice President Toy requested a moment of silence in his honor.

Councilmember Bahr wished a Happy Anniversary to his wife next week, indicating they will celebrate their 20<sup>th</sup> anniversary and expressed his love for his wife.

Councilmember Donovic announced an event being hosted in conjunction with Growth Works regarding the importance of mental health and its impacts on individuals and the community. The event is scheduled to take place Tuesday, May 17<sup>th</sup> from 6:30-8:00 p.m. at the Jack E. Kirksey Recreation Center.

Councilmember Morgan gave a shout out to his daughter who graduated from Madonna University last week with a Bachelor's degree in Forensics. He stated he was very proud of her and wanted to take a moment to let her know.

Councilmember McIntyre congratulated Anastasia & Kate's Coffee Shop for their successful car show event held this past weekend. She indicated it was very well attended and stated they will be hosting a number of other events this summer. Councilmember McIntyre indicated she was asked to raise a question to the Administration, brought to her by residents, concerning the large number of City vehicles going back and forth on Fairway Street between Schoolcraft and Five Mile Road. She stated she hoped the Administration could provide some feedback on this matter. Councilmember McIntyre also expressed that due to staffing shortages, the City is not able to address the mowing of lawns that are in violation of City Ordinance as fast as other seasons and encouraged residents to report any homes in violation to the City so they are not overlooked.

Vice President Toy announced the City's Memorial Day Ceremony will be held on Saturday, May 28<sup>th</sup> at Veterans Park, located at the corner of Five Mile and Farmington Roads, to honor veterans and those lost in service.

President Jolly announced there was New Data for Agenda Items #10, #12 and #13.

On a motion by Vice President Toy, seconded by Bahr, it was:

**#166-22** RESOLVED, that having considered a communication from the Mayor, dated April 14, 2022, wherein she has requested approval of the reappointment of Jeremy Curtis, 17875 Woodside, Livonia, Michigan 48152, to the Livonia Plymouth Road Development Authority as a Resident Member at Large for a three-year term expiring May 16, 2025, pursuant to Section 3.16.060 of the Livonia Code of Ordinances, as amended, and Act No. 197 of the Public Acts of Michigan of 1975, as amended, the Council does hereby confirm and approve such reappointment.

**#167-22** RESOLVED, that having considered an application from Chris Inch, Stevenson Cross Country Head Coach, dated April 1, 2022, requesting permission to barricade Perth Street from Stark Road until it dead-ends West of Farmington, on Friday, August 19, 2022, from 12:00 p.m. to Midnight, for a nighttime high school cross country meet a/k/a The

Lamplighter Invite, the Council does hereby grant permission as requested, including therein permission to conduct the said affair on Saturday, August 20, 2022, in the event of inclement weather, the action taken herein being made subject to the approval of the Police Department.

**#168-22** RESOLVED, that having considered an application from Patty Novak, dated March 22, 2022, requesting permission to barricade Van Court between Levan and Raleigh, on Friday, July 8, 2022, from 4:00 p.m. until 10:00 p.m., for the purpose of hosting a wedding reception on the grounds of Christadelphians Church, the Council does hereby grant permission to barricade Van Court between Levan and Raleigh, on Friday, July 8, 2022, from 4:00 p.m. until 10:00 p.m., the action taken herein being made subject to the approval of the Police Department.

**#169-22** RESOLVED, that having considered an application from Patty Novak, Christadelphians Church, dated March 22, 2022, requesting permission to barricade Van Court between Levan and Raleigh, from Monday, August 1, 2022, until Friday, August 5, 2022, from 8:30 a.m. until 1:30 p.m. each day, for the purpose of hosting Vacation Bible School, the Council does hereby grant permission to barricade Van Court between Levan and Raleigh from Monday, August 1, 2022, until Friday, August 5, 2022, from 8:30 a.m. until 1:30 p.m. each day, the action taken herein being made subject to the approval of the Police Department.

**#170-22** RESOLVED, that having considered a communication from Anne Zaragoza, Board President, Loaves & Fishes Southwest Detroit, dated April 12, 2022, requesting permission to waive Section 8.32.070 (Noise Control) of the Livonia Code of Ordinances, as amended, for the purpose of hosting a fundraising event at St. Colette Church located at 17600 Newburgh Road, to include BBQ, cash bar, and a live band to perform on Friday, June 10, 2022, from 7:00 p.m. to 9:00 p.m., the Council does hereby determine to waive Section 8.32.070 (Noise Control) of the Livonia Code of Ordinances from 7:00 p.m. to 9:00 p.m. on Friday, June 10, 2022, in connection with this event, including therein permission to conduct the said affair on Friday, July 8, 2022, in the event of inclement weather.

**#171-22** RESOLVED, that having considered the report and recommendation of the Director of Inspection, dated April 11, 2022, which bears the signatures of the Director of Finance and the City Attorney, and is approved for submission by the Mayor, the Council does hereby accept the bid of Highland Landscape & Snow Plowing, Inc., 51005 Belmont Park Court, Northville, Michigan 48167 for performing all services required in connection with the 2022-2025 Weed Cutting and Property Maintenance Program for a total estimated amount not to exceed \$50,000.00 annually, at the unit prices of \$0.050 per square yard for mowing and \$34.00 per hour for debris removal, based upon the inspection department'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; the same having been in fact the lowest bid received which meets all specifications in accordance with Livonia Code of Ordinance Section 3.04.140; FURTHER, the Council does hereby authorize an advance expenditure in an amount not to exceed \$50,000.00 per year from the Municipal Refuse Fund (Account Nos. 226-521-818-015 and 226-521-936-104) for the purpose of making payments to the contractor as the work is completed, with the provision that the Municipal Refuse Fund be reimbursed as bills for weed cutting and property maintenance are collected; and the Director of Inspection is hereby authorized to approve minor adjustments in the work as it becomes necessary but this authorization does not entitle the Director of Inspection 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 for and on behalf of the City of Livonia with Highland Landscape & Snow Plowing, Inc. and to do all things necessary or incidental to the full performance of this resolution.

**#172-22** RESOLVED, that having considered a communication from the City Engineer, dated April 22, 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 proposal to amend the Engineering contract between the City of Livonia and OHM Advisors in connection with the MEDC Grant – Bell Creek Streambank Stabilization, the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute a contract amendment between the City of Livonia and OHM Advisors, 34000 Plymouth Road, Livonia, Michigan 48150, to provide professional engineering services in connection with the Michigan Economic Development Corporation (MEDC), Bell Creek Streambank Stabilization Project, in an amount not to exceed \$50,000.00; FURTHER, the aforesaid proposal is accepted without competitive bidding through the Qualification Based Selection Process, and such action is taken in accordance with Section 3.04.140.D.2.b of the Livonia Code of Ordinances, as amended; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$50,000.00 from funds budgeted in the Capital Projects Fund – Land Improvements Account No. 401-000-974-000 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.

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

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

NAYS: None

McIntyre took from the table for second reading and adoption the following

Ordinance:

AN ORDINANCE ADDING CHAPTER 98 (THE CITY OF LIVONIA POLICE AND FIRE REVISED RETIREMENT PLAN) OF TITLE 2 OF THE LIVONIA CODE OF ORDINANCES, AS AMENDED.

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

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

NAYS: None

The President declared the foregoing Ordinance duly adopted and would become effective on publication.

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

**#173-22** RESOLVED, that having considered a communication from Randy Keatts, Shake Shack Michigan, LLC, dated April 11, 2022, requesting permission to waive Section 8.32.070 (Noise Control) of the Livonia Code of Ordinances, as amended, for the purpose of hosting a car show with a DJ in the parking lot of Shake Shack located at 39300 W. Seven Mile Road, every Monday until October, beginning on Monday, May 23, 2022, from 4:00 p.m. to 8:00 p.m., the Council does hereby determine to waive Section 8.32.070 (Noise Control) of the Livonia Code of Ordinances from 4:00 p.m. to 8:00 p.m. every Monday until October, beginning on Monday, May 23, 2022, in connection with this event.

An email communication received from J. Patrick Howe, Esq., dated May 13, 2022, re: Shake Shack alcohol sales, was received and placed on file for the information of the council.

On a motion by McCullough, seconded by Vice President Toy, it was:

**#174-22** RESOLVED, that having considered a communication from the City Planning Commission, dated April 14, 2022, approved for submission by the Mayor, which transmits its resolution #04-20-2022, adopted on April 12, 2022, with regard to Petition 2022-02-02-04 submitted

by Shake Shack Michigan, L.L.C., requesting to utilize an SDM liquor license (sale of packaged beer and wine products for consumption off the premises) in conjunction with the operation of a Class C liquor license (sale of beer, wine and spirits for consumption on the premises), previously approved for the subject property pursuant to Council Resolution #228-93, in connection with the operation of a new freestanding full-service restaurant (Shake Shack) at 39300 W. Seven Mile Road, located on the northeast corner of Seven Mile and Haggerty Roads in the Southwest ¼ of Section 6, the Council does hereby concur in the recommendation made by the City Planning Commission and Petition 2022-02-02-04 is hereby approved and granted, subject to the following conditions:

1. That the subject site has the capacity to accommodate the proposed use;
2. That the use of an SDM liquor license will complement the existing use of the subject property and will provide an additional service to customers; and
3. This waiver use is granted to this petitioner only, and any new user of this property is required to seek and receive City Council's consent to such user's operating the subject facility prior to occupancy by such user.

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

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

NAYS: Toy and Morgan

The President declared the resolution adopted.

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

**#175-22** RESOLVED, that having considered a communication from the City Planning Commission, dated April 14, 2022, approved for submission by the Mayor, which transmits its resolution #04-23-2022, adopted on April 12, 2022, with regard to Petition 2022-03-02-07 submitted by Clover Self Storage, requesting to operate a truck and trailer rental business in conjunction with an existing climate-controlled, indoor self-storage facility and an outdoor storage yard for recreational vehicles at 28900 Schoolcraft Road, located on the north side of Schoolcraft Road between Inkster and Middlebelt Roads in the Southwest ¼ of Section 24, the Council does hereby concur in the recommendation made by the City

Planning Commission and Petition 2022-03-02-07 is hereby approved and granted, subject to the following conditions:

1. That the outdoor storage of U-Haul trucks, vans and trailers shall be limited to the following designated areas: a) three (3) spaces located adjacent to the concierge island with a setback of at least 100 feet from the Schoolcraft Road right-of-way, and b) seven (7) spaces in the secured parking lot behind the building;
2. No U-Haul trucks, vans or trailers shall be stored in the parking spaces along the west side of the building. Such spaces shall be reserved and used solely for customers and employees, and any U-Haul trucks, vans or trailers which are returned and parked on the west side of the building after hours shall be promptly moved by 10:00 a.m. to one of the approved designated parking spaces;
3. That the total number of rental trucks, vans and trailers available at this location shall not exceed ten (10);
4. That unless approved by the proper local authority, any type of exterior advertising, such as promotional flags, streamers or sponsor vehicles designed to attract the attention of passing motorists, shall be prohibited;
5. That there shall be no outdoor storage of auto parts, scrap material, waste petroleum products, junked, unlicensed or inoperable vehicles, or other similar items in connection with this operation;
6. That only conforming signage is approved with this petition, and any additional signage shall be separately submitted for review and approval by the Zoning Board of Appeals; and
7. Pursuant to Section 13.13 of the Livonia Vision 21 Zoning Ordinance, this approval is valid for a period of one year only from the date of approval by City Council, and unless an appropriate permit is obtained, this approval shall be null and void at the expiration of said period.

A communication received from the Superintendent of Parks and Recreation, dated May 6, 2022, re: forwarding additional pricing and surcharge information for Octane fitness equipment, as requested by Councilmembers McCullough and Bahr, was received and placed on file for the information of the Council.

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



**#176-22** RESOLVED, that having considered a communication from the Superintendent of Parks and Recreation, dated April 13, 2022, which bears the signature of the Director of Finance and is approved for submission by the Mayor, the Council does hereby authorize the purchase of two (2) Octane XT4700 adj. ellipticals and two (2) Octane XR6000 w/swivel from All Pro Fitness Things, 35539 Schoolcraft Road, Livonia, MI 48150, to replace well-worn fitness equipment with Octane Equipment, for a total amount not to exceed \$19,116.30, said amount reflecting additional discounts from the trade-in values of three (3) pieces of equipment; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$19,116.30 from funds budgeted in Capital Outlay Account Nos. 208-755-971-000 and 208-755-987-000 for this purpose; FURTHER, the Council does hereby determine to authorize said purchase without competitive bidding inasmuch as All Pro Fitness Things is the sole authorized dealer of Octane Fitness products for Vertical Markets and Non-Dues Paying Facilities in the State of Michigan and no advantage to the City would result from competitive bidding, and such action is taken in accordance with the provisions set forth in Section 3.04.140.D.3 of the Livonia Code of Ordinances, as amended.

A communication received from the Superintendent of Parks and Recreation, dated May 6, 2022, forwarding additional pricing and surcharge information for Precor fitness equipment, as requested by Councilmembers McCullough and Bahr, was received and placed on file for the information of the Council.

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

**#177-22** RESOLVED, that having considered a communication from the Superintendent of Parks and Recreation, dated April 13, 2022, which bears the signature of the Director of Finance and is approved for submission by the Mayor, the Council does hereby authorize the purchase of two (2) Precor TRM 835 treadmills; two (2) Precor EFX 835 ellipticals; one (1) Precor AMT 733; one (1) Precor RBK 635 recumbent cycle; and one (1) Precor UBK 635 upright cycle from Direct Fitness Solutions, 600 Tower Road, Mundelein, IL 60060, to replace well-worn fitness equipment with Precor fitness equipment, for a total amount not to exceed \$32,065.00, said amount reflecting additional discounts from the trade-in values of seven (7) pieces of equipment; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$32,065.00 from funds budgeted in Account Nos. 208-755-987-000 and 208-755-971-000 for this purpose; FURTHER, the Council does hereby determine to authorize said purchase without competitive bidding inasmuch as Direct

Fitness Solutions is the sole authorized dealer of Precor commercial products in the State of Michigan and no advantage to the City would result from competitive bidding, and such action is taken in accordance with the provisions set forth in Section 3.04.140.D.3 of the Livonia Code of Ordinances, as amended.

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

On a motion by Vice President Toy, seconded by McCullough, and unanimously adopted, this 1,945<sup>TH</sup> Regular Meeting of the Council of the City of Livonia was adjourned at 7:52 p.m.

---

Susan M. Nash, City Clerk