

REV. 9-1-21

MINUTES OF THE ONE THOUSAND NINE HUNDRED TWENTY-SEVENTH**REGULAR MEETING OF AUGUST 23, 2021**

On August 23, 2021, the above meeting was called to order in the Auditorium of City Hall, 33000 Civic Center Drive by President Kathleen McIntyre at 7:00 p.m. Councilmember Laura Toy led the meeting in the Pledge of Allegiance.

Roll was called with the following result: Laura Toy, Scott Bahr, Cathy White, Brandon McCullough; Rob Donovic, Jim Jolly 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; Ted Davis, Superintendent of Parks and Recreation; Denise Maier, Director of Human Resources; Jacob Rushlow, Assistant Director of Public Works; Paul Condon, Parks and Recreation Commissioner; Dan West, President of Livonia Chamber of Commerce; Toni LaPorte, Director of Library Services; and Sara Kasprovicz, Manager of Council Office.

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

#261-21 RESOLVED, that the minutes of the 1926th Regular Meeting of the Council held August 9, 2021, are approved as presented.

Councilmember Donovic commended the Livonia Youth Choir on their performance of the National Anthem at Michigan National Speedway for a NASCAR event.

Regular Meeting of August 23, 2021

Vice President Bahr complimented fellow Councilmember Donovic as he rode along with the City's waste hauler employees and assisted them on their routes to see firsthand what they experience on a day-to-day basis and understand the challenges they face more clearly.

President McIntyre also commented on Donovic's participation with the GFL workers.

Bahr stated he was moved by the residents who bring food and drinks to the garbage workers and commended them for doing so.

Councilmember Toy also commended Donovic and asked him to share his experience.

Donovic said it was awesome to see so many neighbors come out and be so respectful and appreciative of the people that do really stinky jobs. It's not easy and the weather, regardless of rain, regardless of sun, doesn't matter, they're out there and taking care of something that we normally don't think about. You put your trash at the end of the driveway, you go to work, you go to your normal family activities and you're just going about your day and kind of forget about it. And those are real people with families and they work extremely hard in multiple communities. One of the things I personally learned was to be cleaner with your trash; make sure you put it in a bag, tie your bag up, don't put your bag at the end of the driveway where rodents, rats, etc., can get to it, making holes in the bag and that continues to make the rat problems, rodent problems worse in the community. So, just stay clean with your trash, putting a lid on there, recycling I know in a few of the communities, Councilman Toy, Councilman McCullough have been working on is trying to push recycling and education in the community and how important that is as we move on as a community, as a society, emphasizing recycling and the waste that we have in our community.

Councilmember White asked Donovic to remind the public how heavy the bags can be and he replied I think there's a limit on garbage cans, most of which people exceed, I think they're supposed to be 30-some gallon garbage cans, I believe, and most of them are in the 50-gallon range and they get extremely heavy, so that makes their job even more difficult. But our garbage men and women are still out there still lifting regardless.

President McIntyre stated she would like to acknowledge the loss of a great lady and the end of a Livonia era when we lost our former First Lady, Pat Kirksey, who passed on August 12, 2021. Pat was not only a remarkable First Lady, really set the tone in following some other outstanding first ladies, but she was the epitome of class and elegance and grace. And Pat had a beautiful home and was just fabulous at entertaining and you always just had wonderful things when you were there. But she always wanted everyone in her home, regardless of whether you had been a friend for four years or four days, to feel comfortable and at home. She was really well-known before she became the First Lady, from

Regular Meeting of August 23, 2021

her many, many years, decades of teaching at Jackson Center. And Mayor Kirksey who survives her had a great sense of humor and could be self-deprecating at times and they taken a cruise vacation and he saw a family around the deck and he saw a family coming over approaching them and he said he stood up straight because he was pretty sure that they recognized him as the Mayor of Livonia and so he said he was already to greet them and say yes, I am, and it's wonderful to see you. And he said they made a bee line right for Pat and said Miss Pat, Miss Pat, and the children had been taught by Pat and the parents knew and loved her. And she was wonderful. She was described by her children in her obituary as tiny but mighty and that was certainly true of all who knew her. She then asked for a moment of silence in her honor.

Councilmember White shared a memory of Mrs. Kirksey as well.

President McIntyre acknowledged the following birthdays: Terry Marecki, Wayne County Commissioner; Councilmember Brandon McCullough; Judge Sean Kavanaugh; and husband Brian Culliton.

She then presented a commendation to former ZBA member Ms. Lisa Fraske.

Fraske thanked Council and stated she appreciated the opportunity.

President McIntyre stated there will be a Committee of the Whole Meeting on August 25, 2021 for discussion on flooding, infrastructure and watershed issues and encouraged residents affected by flooding to attend.

During Audience Communication Paul Condon, 31115 Hillbrook, discussed the issue of the noise level coming from the event held at St. Mary's Antioch Church.

President McIntyre acknowledged the fact that Council did have a nonveto for this item and that the Festival Chairperson will be apprised of the complaints made.

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

#262-12 RESOLVED, that upon the motion by Councilmember Laura Toy, seconded by Councilmember Brandon McCullough, at the Regular Meeting held August 23, 2021, the Council does hereby refer the subject matter of noise waiver requests and acceptable decibel levels at events to the Senior Citizens and Families Committee for its report and recommendation.

Regular Meeting of August 23, 2021

A communication from the Department of Finance, dated July 29, 2021, re: forwarding various financial statements of the City of Livonia for the month ending June 30, 2021, was received and placed on file for the information of the Council.

Ted Davis, Superintendent of Parks and Recreation, and Dan West, President, Livonia Chamber of Commerce, presented a check to the City from the "Love Livonia" event at Ford Field, which will be spearheaded towards the Youth Scholarship Program.

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

#263-21 RESOLVED, that having considered a communication from Justin Ellsworth, Communications Director, Old Rosedale Gardens Homeowners Association, dated July 19, 2021, which requests permission to waive Section 8.32.070 (Noise Control) of the Livonia Code of Ordinances, as amended, for a neighborhood movie night at Rudolph Kleinert Park, to conclude after 10:00 p.m., on Saturday, September 18, 2021, the Council does hereby grant and approve this request in the manner and form herein submitted.

#264-21 RESOLVED, that having considered an application from Louis Palmer, dated July 22, 2021, requesting permission to close Beacon Avenue from Boston Post Road to dead end of Beacon Avenue, on Saturday, September 11, 2021, from 2:00 p.m. to 10:00 p.m., for the purpose of conducting a block party with music and games, the Council does hereby grant permission as requested, including therein permission to conduct the said affair on Saturday, September 18, 2021, in the event of inclement weather, the action taken herein being made subject to the approval of the Police Department.

#265-21 RESOLVED, that having considered the report and recommendation of the Director of Public Works, dated July 29, 2021, which bears the signature of the Director of Finance and is approved for submission by the Mayor, regarding additional appropriation and expenditure to cover the unexpected increase in upfitting costs related to previously approved vehicles, pursuant to Council Resolutions 166-21 and 169-21, adopted on May 24, 2021, the Council does hereby appropriate and authorize an additional expenditure in an amount not to

Regular Meeting of August 23, 2021

exceed \$25,550.00, such additional amount being payable to Truck & Trailer Specialties, 900 Grand Oaks Dr., Howell, Michigan 48843, for the upfitting of three vehicles; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$19,360.00 from funds already budgeted in Account No: 401-000-985-010 and \$6,190.00 from Account No: 592-559-142-000, for a total amount not to exceed \$25,550.00, for this purpose

#266-21 RESOLVED, that having considered a communication from the Human Resources Director, dated July 27, 2021, which bears the signatures of the Finance Director and the City Attorney and is approved for submission by the Mayor, and which sets forth resolution no. 21-98, adopted by the Civil Service Commission on July 21, 2021, wherein it is recommended to approve an hourly rate increase for the classification of Seasonal Laborers within the Department of Public Works, to be effective the first pay period after City Council approval, the Council does hereby concur in and approve the recommendation of the Civil Service Commission regarding those changes as outlined in the aforementioned communication and attachments thereto.

#267-21 RESOLVED, that having considered a communication from the Director of the Livonia Housing Commission, dated July 26, 2021, which bears the signature of the Director of Finance and is approved for submission by the Mayor, to which is attached a proposed Fiscal Year 2022 Municipal Credit Contract between SMART and the City of Livonia for the period July 1, 2021 to June 30, 2022, with all Municipal Credits deposited into Account No. 288-000-582-000 and used for the Livonia Community Transit Program, the Council does hereby authorize the Mayor and City Clerk to execute the Fiscal Year 2022 Municipal Credit Contract between SMART and the City of Livonia and to do all other things necessary or incidental to the full performance of this resolution.

A communication from the Director of the Livonia Housing Commission, dated July 26, 2021, transmitting the LHC Audit Report for the Fiscal Year Ending December 31, 2020, was received and placed on file for the information of the Council.

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

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

Regular Meeting of August 23, 2021

NAYS: None

The President declared the resolutions adopted.

President McIntyre, as Chair of the Committee of the Whole, reported out on the meeting of June 23, 2021.

- a. Subject matter to authorize the Parks and Recreation Commission to set certain fees and charges for activities at the Livonia Senior Citizen Center and Greenmead, as well as league athletic play, and outdoor activities and rentals. (CR 377-20)

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

RESOLVED, that having considered the report and recommendation of the Committee of the Whole, dated June 23, 2021, submitted pursuant to Council Resolution 377-20, and a communication from the Superintendent of Parks and Recreation, dated November 17, 2020, which is approved for submission by the Mayor, in connection with a request to authorize the Parks and Recreation Commission to set certain fees and charges for activities at the Livonia Senior Citizen Center and Greenmead, as well as league athletic play, and outdoor activities and rentals, the Council does hereby concur in the recommendation of the Committee of the Whole and the Parks and Recreation Commission as set forth in its resolution 3734-20, adopted on September 2, 2020, and hereby determines that the Parks and Recreation Commission shall be authorized to set all Parks and Recreation fees except membership and admission fees for the Jack E. Kirksey Recreation Center.

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

Following discussion by Council, a Friendly Amendment was made to the original motion by Jolly, seconded by McCullough, to read as follows:

#268-21 RESOLVED, that having considered the report and recommendation of the Committee of the Whole, dated June 23, 2021, submitted pursuant to Council Resolution 377-20, and a communication from the Superintendent of Parks and Recreation, dated November 17, 2020, which is approved for submission by the Mayor, in connection with a request to authorize the Parks and Recreation Commission to set certain fees and charges for activities at the Livonia Senior Citizen Center and Greenmead, as well as league athletic play, and outdoor activities and rentals, the Council does hereby concur in the recommendation of the Committee of the Whole and the Parks and Recreation Commission as set forth in its resolution 3734-20, adopted on September 2, 2020, and

Regular Meeting of August 23, 2021

hereby determines that the Parks and Recreation Commission shall be authorized to set all Parks and Recreation fees except membership and admission fees for the Jack E. Kirksey Recreation Center, and with the additional condition that the current fee grid remain in effect with Council retaining authority over the grid.

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

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

NAYS: None.

The Vice President declared the amended resolution adopted.

Council will receive regular updates bi-annually from the Parks and Recreation Superintendent regarding all fees and cost recovery.

(President McIntyre resumed the gavel at 8:12 p.m.)

The 2021 Assessment Data booklet from the City Assessor, dated June 10, 2021, was received and placed on file for the information of the Council.

Scott Bahr, as Chair of the Finance and Budget Committee, reported out on the meeting of August 11, 2021.

- a. Subject of Advance Budget Reviews Fiscal Year 2021-2022 Pre-Budget Meeting (CR 161-12)

This item is a standing resolution and will remain in Committee.

Bahr gave first reading to the following Ordinance:

AN ORDINANCE AMENDING SECTION 23 OF THE ZONING MAP OF THE CITY OF LIVONIA AND AMENDING ARTICLE III OF ORDINANCE NO. 543, AS AMENDED, KNOWN AND CITED AS "THE CITY OF LIVONIA ZONING ORDINANCE" BY ADDING SECTION 3. _____ THERETO. (Petition 2021-06-01-04)

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.

Regular Meeting of August 23, 2021

The above Ordinance was placed on the table for consideration at an upcoming Regular meeting.

Jolly took from the table, for second reading and adoption, the following Ordinance:

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 543, AS AMENDED, WITH A COMPILED AND REVISED ORDINANCE HEREFTER, KNOWN AND CITED AS "THE LIVONIA VISION 21 ZONING ORDINANCE" (Petition 2020-12-06-03)

Following discussion by Council, a roll call vote was taken on the foregoing Ordinance with the following result:

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

NAYS: None

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

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

#269-21 RESOLVED, that having considered an email communication from Nick Cornell, General Manager, Supernatural Spirits and Brewing, LLC, dated July 29, 2021, which requests permission to waive Section 8.32.070 (Noise Control) of the Livonia Code of Ordinances, as amended, to host the Wildwood Sour Fest event with DJs and live bands performing at Supernatural Spirits and Brewing, LLC, located at 36685 Plymouth Road, on Saturday, August 28, 2021, from 3:00 p.m. to 10:00 p.m., the Council does hereby grant and approve this request in the manner and form herein submitted.

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

#270-21 RESOLVED, that having considered an email communication from Nick Cornell, General Manager, Supernatural Spirits and Brewing, LLC, dated July 29, 2021, which requests permission to waive Section 8.32.070 (Noise Control) of the Livonia Code of Ordinances, as amended,

Regular Meeting of August 23, 2021

to host the Oktoberfest event with DJs and live bands performing at Supernatural Spirits and Brewing, LLC, located at 36685 Plymouth Road, on Saturday, September 25, 2021, from 3:00 p.m. to 10:00 p.m., the Council does hereby grant and approve this request in the manner and form herein submitted.

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

#271-21 RESOLVED, that having considered a communication from the Human Resources Director, dated July 27, 2021, which bears the signatures of the Finance Director and the City Attorney and is approved for submission by the Mayor, and which sets forth resolution no. 21-101, adopted by the Civil Service Commission on July 21, 2021, wherein it is recommended to approve an hourly rate increase for the classification of Substitute Librarians who hold a master's degree in Library and Information Science (MLIS), the Council does hereby concur in and approve the recommendation of the Civil Service Commission regarding those changes as outlined in the aforementioned communication and attachments thereto.

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

AYES: Toy, White, McCullough, Donovic and Jolly

NAYS: Bahr and McIntyre

The President declared the resolution adopted.

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

#272-21 RESOLVED, that having considered a communication from the Assistant Director of Public Works, dated August 12, 2021, submitted pursuant to Council Resolution 180-21, adopted on May 24, 2021, which bears the signatures of the Director of Public Works, the Director of Finance and the City Attorney, and is approved for submission by the Mayor, to which is attached a proposed amendment to the Engineering contract between the City of Livonia and OHM Advisors, for providing services relative to the DWSRF water main replacement projects, the Council does hereby authorize a contract amendment and accepts the bid of its current construction contractor, Bidigare Contractors, Inc., 939 S. Mill Street, Plymouth, MI 48170, to perform all construction work required in connection with replacing the water main along Seven Mile Road between Meadowridge Drive and Inkster Road for an amount not to

Regular Meeting of August 23, 2021

exceed \$502,650.00, with Inspector Day costs to be included in the Construction Engineering (CE) costs, to be approved by City Council, based upon the Engineering Division's estimate of units involved and subject to the final payment based on the actual units completed in accordance with the unit prices accepted herein, said amount being approved without competitive bidding per Code of Ordinances Section 3.04.140.D.3 because market prices for labor and materials have risen sharply this year due to shortages, rendering the market uncompetitive, and eliminating any advantage to competitive bidding, the same having been in fact verified by OHM to be in line with current bidding results for neighboring Southeast Michigan communities; FURTHER, the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute the attached contract amendment between the City of Livonia and OHM Advisors, 34000 Plymouth Road, Livonia, MI 48150, to provide design and construction engineering services relative to the water main replacement on Seven Mile Road between Meadowridge Drive and Inkster Road, for an amount not to exceed \$65,400.00 for such services; FURTHER, the aforesaid proposal is accepted without competitive bidding through the Qualification Based Selection Process (QBS), 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 appropriation and expenditure in a total amount not to exceed \$568,050.00 from budgeted funds of the Water and Sewer Fund (Account No. 592-158-000) for this purpose; and the Mayor and City Clerk are hereby authorized, for and on behalf of the City of Livonia, to execute contract amendments, approved as to form and substance by the Department of Law, with OHM Advisors and Bidigare Contractors, Inc., and to do all other things necessary or incidental to the full performance of this resolution.

Jacob Rushlow, Assistant Director of Public Works, was present to answer questions on this item.

Following discussion by Council, a roll call vote was taken on the foregoing resolution with the following result:

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

NAYS: None

The President declared the resolution adopted.

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

Regular Meeting of August 23, 2021

#273-21 RESOLVED, that having considered the report and recommendation of the City Engineer, dated August 5, 2021, which bears the signature of the Director of Public Works, and is approved for submission by the Mayor, the Council does hereby authorize the forfeiture of the financial assurances now on deposit with the City for Rosati Industrial Park Subdivision, located on the west side of Stark Road, between Schoolcraft Road and Plymouth Road, in the south 1/2 of Section 28, pursuant to Council Resolution 126-03, adopted on March 26, 2003, specifically:

a) Entrance Markers/Landscaping \$1,000.00

due to the Landscaping and Entrance Markers never being completed by the developer, Enrico Rosati, and to enable the City to close out this project; the action herein being taken is for the reasons indicated in the aforementioned report of the City Engineer and in accordance with the rules and regulations and ordinances of the City of Livonia.

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

On a motion by McCullough, supported by Bahr, and unanimously adopted, this 1,927th Regular Meeting of the Council of the City of Livonia was adjourned at 8:44 p.m. on August 23, 2021.

Susan M. Nash, City Clerk