CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD JULY 25, 2022

Meeting was called to order at 8:30 p.m. by President Jim Jolly. Present: Vice President Laura Toy, Scott Bahr, Kathleen McIntyre, Brandon McCullough, Rob Donovic, Scott Morgan. Absent: None.

Elected and appointed officials present: City Clerk, Susan Nash, Paul Bernier, City Attorney, Mark Taormina, Director of Planning and Economic Development, Todd Zilincik, City Engineer, LaShawn Thomas, Director of Governmental Affairs, Brandie Isaacson, Director of Housing, Jeannine Laible, Director of Civil Service, Ted Davis, Superintendent of Parks and Recreation, Don Rohraff, Director of Public Works, Jacob Rushlow, Assistant Director of Public Works.

Councilmember Rob Donovic led the Pledge of Allegiance.

AUDIENCE COMMUNICATION

Darrell Smith, 14006 Brookfield, stated that he has lived in Livonia for 26 years and has never been to a Council meeting. He asked about the next procedures of the Study items after the meeting. Council President Jim Jolly explained the process.

NEW BUSINESS

1. REQUEST TO WAIVE THE CITY'S NOISE ORDINANCE: Dan West, President, Livonia Chamber of Commerce, re: to host a gathering with live music at Ford Field, 33841 Lyndon, on Saturday, September 17, 2022, from 7:00 p.m. to 11:00 p.m.

   Dan West, President, Livonia Chamber of Commerce, presented the request to Council.

   Councilmember Rob Donovic asked if there would be alcohol served at the event. Dan West stated there would be alcohol served and that it is a 21 and over event. They will have people checking IDs and giving wristbands. They are in partnership with Parks and Recreation and the area will be fenced.

   Councilmember Rob Donovic asked if they are charging admission. Dan West replied the admission is $10 in advance, $15 at the door.

   Council Vice President Toy noted the corn roast is also that weekend. Dan West replied that the corn roast is the next day. This event is on Saturday night and the corn roast and Tour de' Livonia is the next morning.

   Councilmember Rob Donovic offered an approving resolution on the Consent agenda.

   DIRECTION: APPROVING CONSENT

2. REQUEST TO WAIVE THE CITY'S NOISE ORDINANCE: Nick Cornell, General Manager, Supernatural Spirits and Brewing LLC, re: to host the Wildwood Sour Fest

event on Saturday, August 27, 2022, from 3:00 p.m. to 11:00 p.m. with live music and DJs on property located at 36685 Plymouth Road.

Ernie Paksi, Owner of Supernatural Spirits and Brewing LLC presented the request to Council.

Council Vice President Laura Toy stated they do a great job and offered an approving resolution on the Consent agenda.

DIRECTION: APPROVING CONSENT

3. REQUEST FOR AUTHORIZATION TO SELL CITY-OWNED SCATTERED SITE HOUSING PROPERTY ACQUIRED FROM THE FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM: Livonia Housing Commission, re: for the home located at 20222 St. Francis, 48152 to Margaret Schmidt for a sale price of $150,500.00.

Brandie Isaacson, Director of Housing, presented the request to Council.

Councilmember Brandon McCullough congratulated Margaret Schmidt and offered an approving resolution on the Consent agenda.

DIRECTION: APPROVING CONSENT

4. REQUEST FOR APPROVAL OF THE 2023 CDBG ANNUAL ACTION PLAN: 2022-2023 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL PLAN AND BUDGET; AND REQUEST TO APPROVE HOLD HARMLESS CONTRACTS BETWEEN THE CITY OF LIVONIA AND FIRST STEP, FAIR HOUSING CENTER OF METROPOLITAN DETROIT, WAYNE METROPOLITAN COMMUNITY ACTION AGENCY, CRUZ CLINIC, HEGIRA PROGRAMS, INC., STONEBROOK COUNSELING ASSOCIATES, PLCC, AND THE COLLABORATIVE HEALTH CENTER: Livonia Housing Commission, re: in connection with the operation of a domestic violence victim assistance program; for the purpose of providing fair housing; and for the mental health counseling program provided for through the Community Development Block Grant (CDBG) programs for the 2022-2023 program year.

Brandie Isaacson, Director of Housing, presented the request to Council.

Councilmember Scott Bahr asked to explain the potential unprogrammed funds. Brandie Isaacson explained that the funds are rents received from scattered sites, sale of houses and any repaid loans from past years.

Council Vice President Laura Toy stated that due to COVID, more domestic violence went on and asked if our numbers went up. Brandie stated she is waiting for those stats. Information is collected from First Step in July, which documents the number of domestic survivors were assisted through the 2021-2022 budget year. The information will be on their consolidated accomplishment report, submitted to Council in the Fall.

Council Vice President Laura Toy offered an approving resolution on the Consent agenda.

DIRECTION: APPROVING CONSENT

5. AWARD OF BID: Department of Parks and Recreation, re: for backstop replacement and player fencing installations at Devonaire Park Diamond #2, from budgeted funds

   Ted Davis, Superintendent of Parks and Recreation, presented the request to Council.

   Councilmember Brandon McCullough mentioned the volunteer day they had at Devonaire, stating the softball league has been around for fifty years. He stated that fields 1 and 3 are owned by the schools, Field 2 is owned by the City and offered an approving resolution on the Consent agenda.

   Councilmember Rob Donovic asked if the ball diamonds would be taken care of under the standards of Parks and Recreation or DPW. Ted Davis stated the neighborhood association maintains the fields and Parks and Recreation has provided the tools to make their job easier. The new fencing adds to player safety and will assist the neighborhood association if needed, but with short staffing at DPW, they can't commit DPW.

   Council Vice President Toy thanked the residents and others that donated their time to clean up the fields.

   DIRECTION: APPROVING CONSENT

6. AWARD OF BID: Department of Parks and Recreation, re: Gutter installation on Newburgh Church, Shaw House, and Kingsley House at Greenmead Historical Park, from budgeted funds

   Ted Davis, Superintendent of Parks and Recreation, presented the request to Council. He stated this is not from budgeted funds, he is asking for a budget amendment to the Historical Trust Fund.

   Councilmember Scott Morgan offered an approving resolution on the Consent agenda.

   DIRECTION: APPROVING CONSENT

7. REQUEST TO WAIVE THE SEALED BID PROCESS AND PURCHASE FROM SOLE SOURCE PROVIDER: Department of Public Works, re: for the replacement of the Carl Sandburg Library HVAC chiller unit, from budgeted funds.

   Jacob Rushlow, Assistant Director of Public Works, presented the request to Council.

   Councilmember Brandon McCullough asked why sole source. Jacob Rushlow responded that some of the existing components are with that provider and are compatible with this unit. Brandon asked if there is building automation with this. Jacob stated they are still in the process of energy management.

Councilmember Brandon McCullough asked offered an approving resolution on the Consent agenda.

Councilmember Rob Donovic asked about the status of the libraries and would like to know what the future is of the libraries. Jacob Rushlow stated that he has not been in any discussions centered around the libraries.

DIRECTION: APPROVING CONSENT

8. REQUEST TO AUTHORIZE APPROPRIATION AND EXPENDITURE: Department of Public Works, re: for the emergency repairs at the City fueling sites, from budgeted funds.

   Don Rohraff, Director of Public Works, presented the request to Council.

   Councilmember Kathleen McIntyre asked what happened, since quarterly inspections are done, but this wasn't picked up. Don Rohraff confirmed and stated this isn't in the contract for what is done during the quarterly inspection and would significantly increase the contract to add that service. Councilmember McIntyre asked if this is something that could be done yearly or every year and a half. Don stated the conversation has taken place and the contract will be changed moving forward. Councilmember McIntyre asked if the cost information could be brought back to Council.

   Councilmember Brandon McCullough asked if the last six months to a year of preventative maintenance reports for the inspections could also be provided.

   Councilmember Brandon McCullough offered an approving resolution on the Regular agenda.

   DIRECTION: APPROVING REGULAR

9. REQUEST TO AUTHORIZE ADDITIONAL EXPENDITURE: Department of Public Works, re: for the additional scope of work for the Seven Mile Road Water Main Replacement Project, from budgeted funds.

   Jacob Rushlow, Assistant Director of Public Works, presented the request to Council.

   Councilmember Brandon McCullough asked if a utility assessment was included in the contract. Jacob Rushlow responded there was a utility assessment. The new fiber lines don't have accurate records to provide, which creates conflicts. Councilmember McCullough asked if there was a possibility to hire an outside company to do a special utility assessment. Jacob stated that it would be very costly.

Councilmember Brandon McCullough offered an approving resolution on the Consent agenda.

DIRECTION: APPROVING CONSENT

10. REQUEST TO AUTHORIZE ADDITIONAL EXPENDITURE: Department of Public Works, re: for preventative maintenance of the sanitary sewer system at the northwest quadrant of Section 34 for an additional $1,000,000, from the Water and Sewer Fund.

Jacob Rushlow, Assistant Director of Public Works, presented the request to Council.

Council President Jim Jolly asked to clarify that the $1 million is budgeted from the Water and Sewer Fund. Jacob Rushlow confirmed.

Councilmember Scott Bahr asked if the funds were budgeted for this project or this type of repair. Jacob Rushlow stated that for Capital Improvement budgeting, they always budget for sewer lining rehabilitation in the Water and Sewer budget. Councilmember Bahr asked about the video probing in the city, if it is something brought in only when there is an inefficiency. Jacob replied they do routine inspections, in this case, they found repeated deficiencies, so they brought in a contractor for a more detailed assessment, called a Pipeline Assessment Certification Program.

Councilmember Scott Bahr offered an approving resolution on the Consent agenda.

DIRECTION: APPROVING CONSENT

11. REQUEST TO AMEND THE CONTRACT WITH SPALDING DEDECKER FOR PROFESSIONAL ENGINEERING SERVICES FOR THE SIDEWALK REPLACEMENT LOCATION ASSESSMENTS, SECTIONS 1-12; Engineering Division, re: for same (CR 336-21)

Todd Zilincik, City Engineer, presented the request to Council.

Councilmember Kathleen McIntyre asked if there was inventory already of the other sections in GIS. Todd Zilincik responded they used to have interns or Inspectors to go out, but it is not in GIS. Councilmember McIntyre stated that it is easier going forward and it can be retrieved. Todd stated they will have a record of it and have inspection reports and service requests, but they need to get the larger vertical separations to get them cold patched in the interim to avoid a safety issue. Councilmember McIntyre asked if the information goes into our GIS and if we own the data. Jeremy Schrot, PE, President, Director of Public Engineering, Spalding Dedecker, confirmed that we do own it and it can be provided back to the city.

Councilmember McIntyre asked about the ordinance regarding sidewalk replacement. Todd Zilincik explained that a resident can call the city on anything ¾ of an inch or more of a vertical separation and they will come out and do an inspection. The owner can either get a permit and do the work themselves, hire a contractor or have the city contractor do the work and the resident will get a bill the following year in March.

Councilmember McIntyre asked that if the problem was caused by a city-planted tree in an easement, the city will cover the cost. Todd confirmed the city would cover the cost if it is a city tree, not a private tree.

Councilmember Brandon McCullough offered an approving resolution on the Consent agenda.

Donna Blauet, 36006 Barkley, asked about the cold patch versus concrete grinding, asking when the difference is done. Todd Zilincik stated that once they learn of an issue, they have to respond with a temporary patch in the interim, depending on the time of the year. Some areas are not allowed to be ground, anything more than 1 1/2 or more, they have to put the cold patch down as a temporary fix until the permanent fix can be done.

DIRECTION: APPROVING CONSENT

12. REQEUST TO CONSIDER A PROPOSED ORDINANCE: Councilmember Scott Bahr, re: to add Chapter 01 to Title 11 (Display of Flag on City Property).

Councilmember Scott Bahr presented the request to Council. He explained the proposed ordinance and the process. He stated he was unaware of the raising of the Italian flag until the Albanian flag was raised, which is when he felt there should be a better process by the City for raising flags. He was glad to see the policy from the Mayor’s Office to ban flying non-governmental flags and felt the change of policy to allow non-governmental flags by the Mayor’s Office was problematic. He explained the unanimous vote request was to allow Council to play a part in the decision with the Mayor without going through an ordinance change process. He stated that the unanimous vote does not mean he sees the flag ordinance request as more important than other issues, it is just different in nature. He stated that any flags can be flown on private property and at private businesses, but we should be sure that we are raising a flag that is in the sentiment of the city.

Councilmember McCullough stated that this is something that has been very divided and asked why we are bringing this forward now. If we have a problem with this, we should study it further.

Councilmember McCullough offered a resolution to put the item in Committee of the Whole.

Councilmember Rob Donovic thanked everyone for their statements and communication with him on the issue. He stated that on June 10, the Mayor’s Office notified City Council that a flag policy would be put in place to discontinue raising flags that represent other countries or ideals. He referenced that he was able to fly the Albanian flag to represent his country, but understood the new policy sent by the Mayor’s Office and understands that he needs to look at this from the perspective of the community. He noted that the Mayor passed a new policy thirteen days later, stating that they will now be flying third party flags.

Councilmember Donovic offered a resolution to adopt the Mayor's original policy as a proposed ordinance to discontinue the practice of raising third party flags.

City Attorney Paul Bernier asked for clarification on moving the item to the next meeting if new language should be drafted in preparation. Councilmember Scott Bahr stated that Councilmember Donovic asked for a modification to his original request, to eliminate the Council vote. He is fine with new language being prepared and potentially voting on it at the next meeting. Paul Bernier stated that he can do it any way Council wants. Council President stated that since this was Councilmember Bahr's original request, he can accept Councilmember Donovic's proposal incorporated into what he originally proposed and move forward if he wants to. Councilmember Bahr stated that he felt he should let Councilmember Donovic make the decision. Councilmember Donovic stated that he would prefer to move on the item and take it to a vote. Paul Bernier stated that since there is an offer to send the item to the Committee of the Whole, the item can't receive a first read at the next meeting. Councilmember Scott Bahr stated they should be able to have language prepared for a first reading even if there is another motion to go to a committee. Council President Jim Jolly stated they can have parallel ordinances and it would depend on the sentiment of Council on which one to progress on. He stated that he would like to have the language prepared for a first reading as well as a resolution to go to Committee of the Whole. They could still give it a first reading and go to Committee of the Whole, since there wouldn't be a vote on it at the next meeting anyway.

Councilmember Kathleen McIntyre stated that she appreciates everything that has been said between the last meeting and this one regarding this topic. She noted that the local paper unfairly painted those on Council that supported the proposed ordinance as anti-LGBTQIA+. She stated the Mayor made her decision unilaterally instead of engaging the Council. She stated that she supports the ban on all flags but would also like to put into committee a discussion regarding a way to recognize the different groups in the community and ensure they all feel welcome and protected.

Council Vice President Laura Toy stated that they are the check and balance to the City with the Administration. She stated that direction can come from the floor, any Councilperson can bring up anything at any time. Not a lot of study has been done on this issue and people are concerned. She noted that we only need to have the American, State and City flag and go from there as time goes on. She wants to keep this simple and not make it confusing.

Council President Jolly asked that any comments made were respectful and directed through him, as the Chair.

Paul Bernier asked to clarify the resolutions offered. Councilmember Scott Bahr commented that he accepted the resolution that Councilmember Rob Donovic offered.

Colleen Badgero, 17415 Sunset, stated that her perspective has changed by watching the process, stating that this could have been proposed differently and agreed that keeping only the three flags was appropriate.

Darrell Smith, 14006 Brookfield, stated that he agreed with Councilmember McCullough's comments that this conversation needs more time. He felt that we need to have a shared vision to look at other option.

Debbie Yates, 29161 Hathaway, shared her positive experience during the Pride flag raising ceremony and supports Councilmember McCullough's suggestion of looking for alternative ways to support the community.

Stephanie Farkas, 14446 Ramblewood, stated she supports sending the item to Committee of the Whole for additional study and suggested a community flagpole.

John Hillers stated he supports sending the item to Committee of the Whole and felt that he didn't believe that changing the rules right after the Pride flag was flow is offensive.

Dennis Ridolfi, 9803 Auburndale, stated that he was in the military and learned to respect the flag and felt that there should only be the three main flags.

Bob Zuner, stated that he does not support the motion to move to Committee and felt they should focus on the three main flags and then discuss this issue later.

Richard Glover, Chair of Human Relations Commission, stated that it is important to give a lot of attention to this since there are a lot of people that care about it.

Audrey Rodgers, asked if a section of the city where people can raise their flag, who would decide on which flag is approved and the criteria to create less division and not more.

Denise Collins-Robison, stated that she felt that if the growing diversity in the city isn't represented by flags, she would like to know how the Council would do it.

Marie stated that she agreed with Council Vice President Toy when she asked where it would end if everyone that was discriminated against had a flag. She felt that the three flags are the most inclusive of everyone.

Bill Schmidt, 29688 Macintyre, shared a story of his friend that suffered from ridicule and agreed that everyone's opinion should be heard.

Bob Guzik, stated that he wants Livonia to appear like it did when he was a kid, with helping hands, an ally community.

Alex King, stated that if the proposal to allow raising of the three flags is approved, there are other ways to come together as a community to show inclusivity through rallies.

Kellen Winslow, stated that he feels excluded when he sees a flag that he doesn't support and feels the city should only allow the Country, State and City flags.

Donna Blauer, stated that she felt that being unwilling to discuss the non-discriminatory policies is purposeful.

Mark Kurstein, stated that he agreed with a previous speaker.

Council Vice President Laura Toy stated this is a process that takes time. She asked that we are respectful to each other and would like to figure it out together.

Councilmember Scott Bahr stated his reason for raising the military flag is that they are already raised at Nehasil Park. He stated that the reason for his timing was due to his inability to attend a meeting until the July 11th meeting to raise the issue. He thanked the citizens for their input, Paul Bernier for preparing the language and Council President Jim Jolly for allowing the item to be on the agenda.

Council President Jim Jolly thanked everyone for the dialogue and reminded the audience that the item will be on the next agenda of August 8th.

DIRECTION: REGULAR COMMITTEE OF THE WHOLE

<u>AUDIENCE COMMUNICATION</u>: None

As there were no further questions or comments President Jim Jolly adjourned the Study Session at 10:30 p.m. on Monday, July 25, 2022.

Dated: July 27, 2022 SUSAN M. NASH, CITY CLERK