

OFFICE OF THE COUNCIL

COUNCIL MEMBERS

JIM JOLLY
PRESIDENT

LAURA M. TOY
VICE PRESIDENT

SCOTT BAHR
ROB GJONAJ DONOVIC
BRANDON McCULLOUGH
KATHLEEN E. McINTYRE
SCOTT MORGAN



33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2250
citycouncil@livonia.gov

OFFICE OF THE COUNCIL

**ELECTRONIC AGENDA PACKET FOR
THE REGULAR MEETING OF
MONDAY, AUGUST 22, 2022
7:00 P.M.**

**The electronic agenda is compiled, produced and
distributed by the City Council Staff.
(734) 466-2250**

The official documents are on file in the City Clerk's office.

**1951st Regular Meeting of the Council of the City of Livonia
Monday, August 22, 2022**

7:00 p.m. – City Hall Auditorium
33000 Civic Center Drive, Livonia, Michigan

CALL TO ORDER

INVOCATION/PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION OF MINUTES - 1950th Regular Meeting Minutes of August 8, 2022

AUDIENCE COMMUNICATION

REPORTS FROM THE MAYOR AND OTHER CITY OFFICIALS

CONSENT AGENDA

1. BLOCK PARTY: Brenda Shaw, re: to be held Saturday, September 10, 2022, from 12:30 p.m. to 10:00 p.m. on Sussex Street, between Fitzgerald and Sherwood, with rain date of Sunday, September 11, 2022.
2. REQUEST TO WAIVE THE CITY'S NOISE ORDINANCE: Dick McLain, Old Rosedale Gardens Homeowners Association, re: to show family friendly movies beginning at dusk until the end of the movie on Saturday, September 17, 2022, in Kleinert Park.
3. REQUEST TO WAIVE THE SIDEWALK REQUIREMENT: Drew Servalish, Lombardo Homes, re: for the newly constructed home at 19364 Fitzgerald.
4. APPOINTMENT OF Wafa Dinaro to the Livonia Planning Commission: Office of the Mayor, re: to fill the unexpired term of Elizabeth McCue, which will expire June 9, 2024.
5. REAPPOINTMENT OF Michael MariHugh to the Livonia Local Officers Compensation Commission: Office of the Mayor; re: for a seven-year term, which will expire on April 2, 2029.
6. REQUEST FOR APPROVAL OF THE SENIOR ALLIANCE 2023-2025 MULTI-YEAR PLAN (MYP) and 2023 ANNUAL IMPLEMENTATION PLAN (AIP): Brandie Isaacson, Housing Director, on behalf of Emma Olsen, Senior Alliance Planning and Advocacy Specialist, re: as required by the State of Michigan's Department of Health and Human Services (MDHHS) to be submitted to the State Commission on Services to the Aging.
7. REQUEST TO APPROVE HOURLY RATE INCREASE: Department of Civil Service, re: for the classification of School Crossing Guard.
8. REQUEST FOR APPROVAL OF THE RESTATED PLAN DOCUMENTS FOR THE 401(A) DEFINED CONTRIBUTION PLAN AND THE 457(B) DEFERRED COMPENSATION PLAN; Civil Service Department; re: same.

UNFINISHED BUSINESS

9. PROPOSED AMENDMENT TO THE LIVONIA CODE OF ORDINANCES, AS AMENDED: Department of Law, re: Petition 2022-04-03-01 submitted by Stonefield Engineering & Design, on behalf of Haggerty Residential, L.L.C., request to determine whether or not to vacate an existing sanitary sewer easement at 19750 Haggerty Road, located on the east side of Haggerty Road between Seven Mile and Eight Mile Roads in the Southwest ¼ of Section 6. (CR 220-22)
10. ROLL CALL: Proposed Amendment to the Livonia Code of Ordinances, as amended: Department of Law, re: to add Chapter 01 to Title 11 (Display of Flag on City Property).
First Reading given by Councilmember Rob Donovic on Monday, August 8, 2022.
11. ROLL CALL: Proposed Amendment to the Livonia Vision 21 Zoning Ordinance, as amended: Department of Law, re: Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C., to rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest ¼ of Section 36, from RUF (Rural Urban Farm) to C-1 (Local Business).
First Reading given by Councilmember Kathleen McIntyre on Monday, April 4, 2022.
12. WAIVER PETITION: Appeal of the denial of the Planning Commission regarding Petition 2021-12-02-27 submitted by Maple Real Estate Group, L.L.C. requesting special waiver use approval to develop a Planned Residential Development consisting of an apartment complex made up of three (3) buildings and twenty-four (24) dwelling units, on the properties at 9106 and 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest ¼ of Section 36.
Public Hearing held on Monday, July 18, 2022

NEW BUSINESS

13. REQUEST TO SCHEDULE A FINANCE AND BUDGET COMMITTEE MEETING AND TO ESTABLISH A PUBLIC HEARING DATE: Department of Finance, re: for the Annual Budget for the fiscal year ending November 30, 2023.

X-ITEM(S)

- X1. REQUEST TO AMEND COUNCIL RESOLUTION 228-22: Samantha Shedlock, re: in order to reflect the correct date to host a wedding with a DJ at the property located at 32279 Camborne Lane, on Friday, August 26, 2022, from 5:00 p.m. to 12:00 a.m.

AUDIENCE COMMUNICATION

NOTICE(S)

In accordance with Title II of the American with Disabilities Act as it pertains to access to Public Meetings, the City Clerk's Office of the City of Livonia, upon adequate notice, will make reasonable accommodations for persons with special needs. Please call (734) 466-2236 or email clerk@livonia.gov if you need assistance. Council agendas are available on the City's website – www.livonia.gov - under Government, City Council, Agendas.

SUSAN M. NASH, CITY CLERK

**CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD AUGUST 8, 2022**

1

Meeting was called to order at 8:12 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, Housing Director and Jeannine Laible, Director of Civil Service.

Councilmember Scott Morgan led the Pledge of Allegiance.

1. BLOCK PARTY: Brenda Shaw, re: to be held Saturday, September 10, 2022, from 12:30 p.m. to 10:00 p.m. on Sussex Street, between Fitzgerald and Sherwood, with rain date of Sunday, September 11, 2022.

Brenda Shaw, 15583 Sussex, presented the request to Council.

Council Vice President Laura Toy stated this event has been done for many years and offered an approving resolution on the Consent agenda.

DIRECTION:

APPROVING

CONSENT



LETTER TO THE LIVONIA CITY COUNCIL

1.

City Clerk
July 20, 2022

MEETING DATE

S080822/R082222

PREPARED BY

Lori Miller, Deputy City Clerk,

AGENDA ITEM

BLOCK PARTY: Brenda Shaw, re: to be held Saturday, September 10, 2022, from 12:30 p.m. to 10:00 p.m. on Sussex Street, between Fitzgerald and Sherwood, with rain date of Sunday, September 11, 2022.

BACKGROUND

Brenda Shaw is requesting block party and street barricading on Sussex Street, between Fitzgerald and Sherwood, to be held Saturday, September 10, 2022, from 12:30 p.m. to 10:00 p.m. to include games, music (band), food and crafts. A rain date of Sunday, September 11, 2022 is also requested.

RECOMMENDATION

Approve as submitted.

FISCAL CONSIDERATION

None.

ATTACHMENTS

1. Sussex St, Block Party Request

APPROVED BY

S-8/9/22

**REQUEST FOR NOISE WAIVER BLOCK PARTY and/or
BARRICADING OF CITY STREETS**

Send to: Livonia City Council, c/o City Clerk, 33000 Civic Center Drive, Livonia, MI 48154-3097
or hand deliver to the City Clerk's Office at least 8 weeks prior to the planned event

PLEASE PRINT

Date of Application: 7/14/2022 Date to appear at a Council Meeting: (Don't know dates)

Name of Neighborhood Representative: Brenda Shaw

Address (please include zip code): 15583 Sussex St. Livonia 48154

Telephone Number with area code: cell: 248-672-1148 Home: Office:

Email: bshaw@med.umich.edu

Please circle what is being requested – “BLOCK PARTY” (and/or) “STREET BARRICADING”

9/10/2022 9/11/2022 12:30 PM to 10: PM
Date of Block Party Rain Date Start/end time of Block Party and/or Barricading
and/or Barricading **End time is no later than 10:00 p.m.**

Location of Block Party and/or Barricading: (Be specific. Indicate which streets and between which boundaries).

Location: Sussex St between Fitzgerald & Sherwood

Type of Event: Briefly (Describe activities planned. Music, barbecue, games, etc.) Block Party - games,

(band) music, food (dinner), crafts

How many barricades are you requesting (max. 10)? 4

Approximate Number Attending: 80-100

Date of Council Approval/Denial:

Council Resolution Number:

2022 JUL 19 PM 3:21
RECEIVED
OFFICE OF THE CITY CLERK

**CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD AUGUST 8, 2022**

2

Meeting was called to order at 8:12 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, Housing Director and Jeannine Laible, Director of Civil Service.

Councilmember Scott Morgan led the Pledge of Allegiance.

2. REQUEST TO WAIVE THE CITY'S NOISE ORDINANCE: Dick McLain, Old Rosedale Gardens Homeowners Association, re: to show family friendly movies beginning at dusk until the end of the movie on Saturday, September 17, 2022, in Kleinert Park.

Erin Curd, Vice President, Old Rosedale Gardens Homeowners Association presented the request to Council.

Councilmember Scott Bahr stated this event has been going on for a long time and offered an approving resolution on the Consent agenda.

DIRECTION:

APPROVING

CONSENT



LETTER TO THE LIVONIA CITY COUNCIL

2.

City Clerk
July 20, 2022

MEETING DATE

S080822/R082222

PREPARED BY

Lori Miller, Deputy City Clerk,

AGENDA ITEM

REQUEST TO WAIVE THE CITY'S NOISE ORDINANCE: Dick McLain, Old Rosedale Gardens Homeowners Association, re: to show family friendly movies beginning at dusk until the end of the movie on Saturday, September 17, 2022 in Kleinert Park.

BACKGROUND

Old Rosedale Gardens Homeowners Association is requesting permission to host a neighborhood movie night in Kleinert Park that will go past 10:00 p.m. Their event is planned for Saturday, September 17, 2022 starting at dusk. They are scheduled for approval by the Parks & Rec Commission on the August 3rd Agenda.

RECOMMENDATION

Approve as submitted.

FISCAL CONSIDERATION

N/A.

ATTACHMENTS

1. Old Rosedale Movie Night, 09-17-22

APPROVED BY

Old Rosedale Gardens



Homeowners Association

Dick McLain
President
Old Rosedale Gardens Homeowners Association
11326 Hubbard St
Livonia, MI 48150
July 11, 2022

Lori Miller
City of Livonia City Clerk Office
33000 Civic Center Drive
Livonia, MI 48154

Dear Lori Miller:

I am representing the Old Rosedale Gardens Homeowners Association to request a neighborhood movie night in Kleinert Park that would go after the hour of 10:00 PM. We would like to be put on the agenda for an upcoming City Council meeting. We are in the process of obtaining approval from the city's Parks and Recs Commission. There were email and vacation delays with Parks and Recs getting approval. We are now on their agenda for Aug 3 and should have an approval after that. We will arrange to have a representative attend the meeting. I would like your assistance in determining the timing of making this all happen this year. Hopefully we can get on the City Council agenda in time to get approval completed.

The planned date is September 17th (Saturday night).

If you have further questions, please contact me at 734-421-0957.

Sincerely,
Dick McLain
President ORGHA

**CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD AUGUST 8, 2022**

3

Meeting was called to order at 8:12 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, Housing Director and Jeannine Laible, Director of Civil Service.

Councilmember Scott Morgan led the Pledge of Allegiance.

3. REQUEST TO WAIVE THE SIDEWALK REQUIREMENT: Drew Servalish, Lombaro Homes, re: for the newly constructed home at 19364 Fitzgerald.

Drew Servalish, Lombaro Homes, presented the request to Council.

Councilmember Rob Donovic commented that he went to high school with Drew Servalish and offered an approving resolution on the Consent agenda.

DIRECTION:

APPROVING

CONSENT



LETTER TO THE LIVONIA CITY COUNCIL

3.

Engineering
July 29, 2022

MEETING DATE

S080822/R082222

PREPARED BY

Sara Kasprowicz, Council Office Manager,

AGENDA ITEM

REQUEST TO WAIVE THE SIDEWALK REQUIREMENT: Drew Servalish, Lombardo Homes, re: for the newly constructed home at 19364 Fitzgerald.

BACKGROUND

In response to the sidewalk waiver request from Drew Servalish of Lombardo Homes, dated July 27, 2022; we have reviewed the surrounding neighborhood regarding the presence of sidewalks (see attached aerial).

RECOMMENDATION

Due to the absence of sidewalk in the area, we would recommend waiving the sidewalk requirement at this time.

The City has no plans to construct sidewalks in this area in the near future.

FISCAL CONSIDERATION

N/A

ATTACHMENTS

1. LTC S080822 Sidewalk Waiver - Drew Servalish
2. Map of 19634 Fitzgerald

APPROVED BY

A handwritten signature in cursive script that reads "Todd J. Zilincik".

Todd Zilincik, P.E., City Engineer

Date: August 01, 2022

A handwritten signature in black ink, reading "Maureen Miller Brosnan". The signature is written in a cursive, flowing style.

Date: August 01, 2022

Maureen Miller Brosnan, Mayor

July 27th 2022

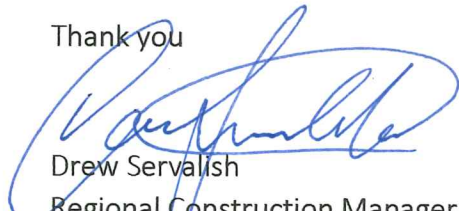
Attn:
City of Livonia Clerk
City of Livonia Engineering Department

Re: 19364 Fitzgerald - Wavier request for City Sidewalk installation

On Fitzgerald St. there are no existing homes that have city sidewalk in the road right away. The builder Anywhere Lombardo would like to be granted approval to not install the city sidewalk on this new build home. The customer is aware that this street does not have city sidewalk connected north and south on Fitzgerald St. and is aware that the builder did not intend to install a city sidewalk as well.

In conclusion please consider this as our formal request to waive the requirement of the city sidewalk for this new build.

Thank you



Drew Servalish
Regional Construction Manager
Lombardo Homes
586-255-6916



**CITY of LIVONIA
OFFICE OF THE CITY CLERK**

33000 CIVIC CENTER DRIVE, LIVONIA, MICHIGAN 48154
TELEPHONE (734) 466-2230

Received From: Any Lombardo
Address _____
City _____ Zip _____ Date 7/28/22

CERTIFICATES

Dollar Amount

BIRTHS ☐ LF# _____ CC _____ PARCHMENT _____

DEATHS ☐ LF# _____ CC _____

GENERAL

☐ Maps, Books _____
☐ F.O.I.A. Copies _____
☐ Signs _____
☐ Grading Bond _____
☒ Petition, Waiver Sidewalk waiver
☐ Election Fees _____
☐ Other _____

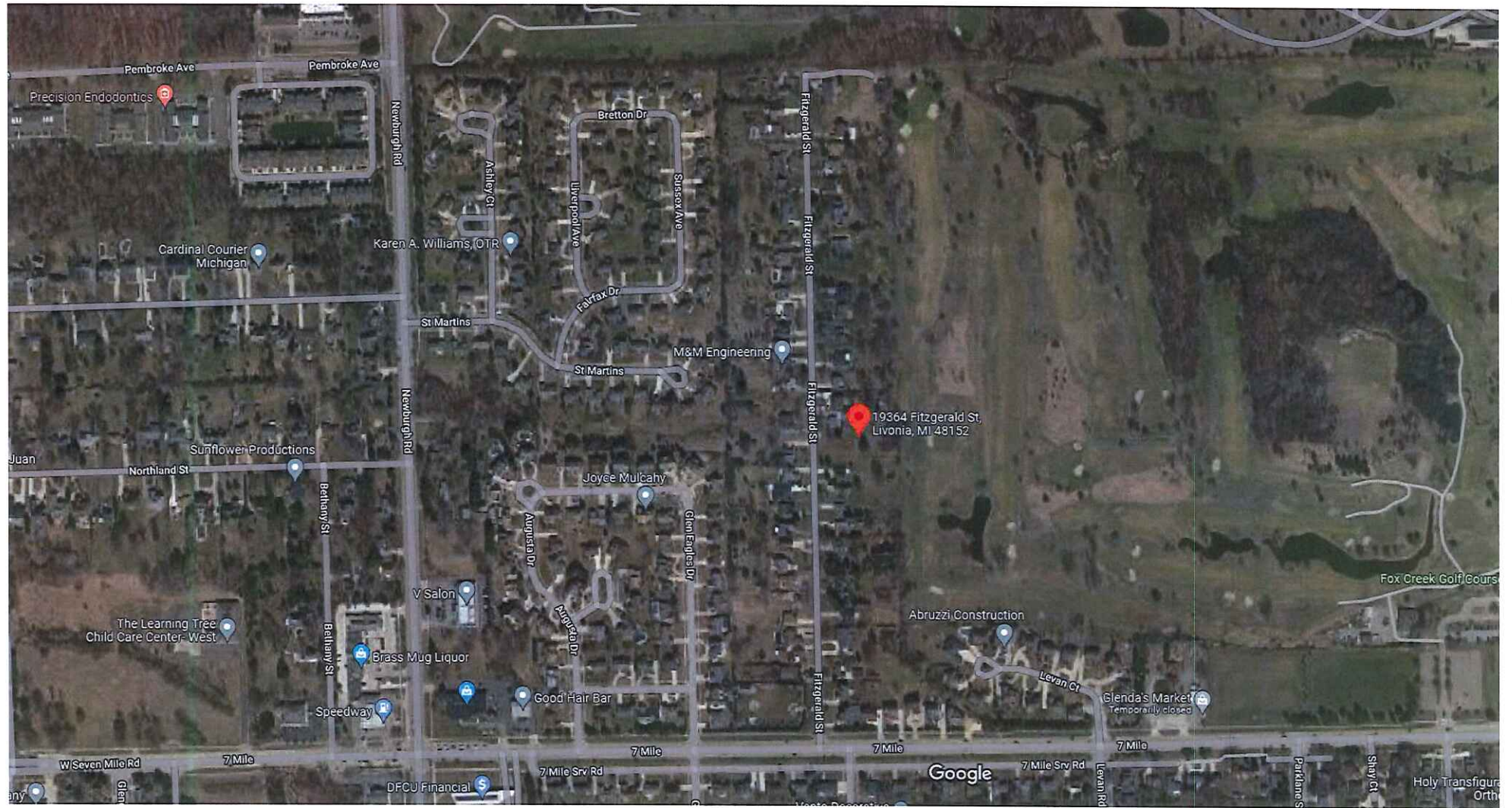
CASH ☐ CK# 14984

Total Amt. >

250.00

BY. T/G

19364 Fitzgerald St



Imagery ©2022 Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO, Map data ©2022 200 ft

**CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD AUGUST 8, 2022**

4

Meeting was called to order at 8:12 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, Housing Director and Jeannine Laible, Director of Civil Service.

Councilmember Scott Morgan led the Pledge of Allegiance.

4. APPOINTMENT OF Wafa Dinero to the Livonia Planning Commission: Office of the Mayor, re: to fill the unexpired term of Elizabeth McCue, which will expire June 9, 2024.

LaShawn Thomas, Director of Governmental Affairs, presented the request to Council.

Wafa Dinero was present at the podium to answer any questions of Council, stating that she was excited for the opportunity.

Council President Jim Jolly noted that Wafa is also the team mom for the Livonia Falcons and adds value to the community all around.

Council Vice President Laura Toy stated that she appreciated her support for local businesses and offered an approving resolution on the Consent agenda.

Councilmember Rob Donovic thanked Wafa for stepping up to the Planning Commission and commended her on her wealth of knowledge in the community.

DIRECTION:

APPROVING

CONSENT



LETTER TO THE LIVONIA CITY COUNCIL

4.

Mayor's Office
July 26, 2022

MEETING DATE

S080822/R082222

PREPARED BY

Janice Centers, Executive Assistant to the Mayor - Program Supervisor,

AGENDA ITEM

APPOINTMENT OF Wafa DINARO TO THE LIVONIA PLANNING COMMISSION: Office of the Mayor, re: to fill the unexpired term of Elizabeth McCue, which will expire June 9, 2024.

BACKGROUND

Honorable Members of the City Council, City of Livonia
RE: Appointment of Wafa Dinaro to the Planning Commission

Dear Council Members:

I am herewith submitting to you, for your consideration and approval, the appointment of Ms. Wafa Dinaro, 15680 Huff, Livonia, Michigan 48154, as a member of the Planning Commission to fill the unexpired term of Elizabeth McCue, that will expire on June 9, 2024.

Your approval on this appointment is respectfully requested.

Sincerely,
Maureen Miller Brosnan, Mayor

RECOMMENDATION

Appoint Wafa Dinaro to the Livonia Planning Commission to fill an unexpired term, ending on June 9, 2024.

FISCAL CONSIDERATION

ATTACHMENTS

1. LTC S080822 Appt Wafa Dinaro
2. Dinaro, Wafa - Resume

APPROVED BY

A handwritten signature in black ink, reading "Maureen Miller Brosnan". The signature is written in a cursive, flowing style.

Date: July 29, 2022

Maureen Miller Brosnan, Mayor

Wafa Dinaro

Livonia, MI 48154 | 313-622-7038

Wafasayed@gmail.com

Highly effective, energetic and outcome-focused leader committed to quality and accuracy.

Results driven professional with a strong ability to organize, establish priorities, and remain mindful of all details, monitoring constant streams of information and evaluating for inconsistencies and red flags. *Areas of Expertise include...*

- Leadership & Staff Training
- International Collaboration
- Communications
- Strategic Planning & Analysis
- Detailed & Accurate Record Keeping
- Diversity and Inclusion
- Crisis Communication
- Strategic Planning & Execution
- Project Management

PROFESSIONAL EXPERIENCE

New Economy Initiative, Detroit, MI

Feb 2022 – Present

Executive Director

Develop and implement strategy for building the small business ecosystem in Southeast Michigan.

- Leader of \$160 million collaborative philanthropic grantmaking initiative building the entrepreneurship environment in the Detroit region.
- Strategic grant administration and management of \$22 million grant portfolio
- Production of annual evaluation and impact reports
- Driver of regional asset scan and entrepreneurial network mapping
- Leader of program design and implementation to support diverse entrepreneurs
- Manager of staff of six with over dozen strategic consultants and partners

Charter County of Wayne, Detroit, MI

May 2020 – Feb 2022

Director for Wayne County Economic Development Division

Develop and implement strategy for all of Wayne County, MI economic development growth and retention.

- Responsible for the oversight and execution of Wayne County's economic development initiatives including the Business Attraction program, Business Retention and Expansion program, small business and entrepreneurial support.
- Developed and executed emergency plans for COVID 19 response including a small business grant, small business technical assistance and an overall county strategy to economic recovery.
- Responsible for the division budget and execution.
- Manage the development and implementation of new economic development initiatives, special projects and target market initiatives.
- Coordinate and oversee activities of the Wayne County Brownfield Redevelopment Authority, Stadium Authority and the Wayne County Economic Development Corporation.
- Manage professional staff including Business Development Managers, Project Managers and Research & Strategy Manager.

Charter County of Wayne, Detroit, MI

July 2019 – Feb 2022

Executive Director for Wayne County Brownfield Redevelopment Corporation and Economic Development Corporation

Facilitation of all brownfields and building management within Wayne County.

- Direct brownfield redevelopment initiatives for the 19th largest county in the U.S.
- Managed brownfield and EDC budgets and grants.
- Drive multi-sector community impact programs, including an area-wide planning grant that includes Fortune 500 companies; federal, state, and regional governments; and diverse community stakeholder groups
- Oversee corporate investments that both expand business in Southeast Michigan and create positive economic, environmental, and social impacts throughout the region.

Wafa Dinaro

Page Two of Two

Charter County of Wayne, Detroit, MI

Sep 2018 – July 2019

Deputy Director for Capital Development

Facilitation of capital development and buildings inventory including acquisition, disposition and consolidation.

- Implementing economic development goals for the County and coordinating with local government, the development community, local businesses and various City departments and staff.
- Creating and implementing a policy for tax abatements and incentives for Wayne County.
- Market and sell excess county owned real estate including over 600 acres and prime Downtown Detroit property.

Fiat Chrysler, Sterling Heights, MI

2014-2018

Business Unit Leader/Project Manager

As unit manager of 25-member team, allocate resources, evaluate risks, and ensure schedule adherence at the lowest sustainable cost level possible without compromising quality or safety.

- Enhance employee communications and involvement to accomplish strategic operating goals.
- Work on constant improvement projects for World Class Manufacturing (WCM) processes.
- Oversaw all activities regarding staffing, production material, process tools, and quality performance.
- Scheduled production activities on manufacturing floor, prioritizing tasks based on daily production reports. Documented and presented production results to management.
- Supervised manufacturing activities to maximize productivity and quality.
- Project Management resulting in a cost savings of \$540,000 in FY2017.

Blue Cross Blue Shield of Michigan, Detroit, MI

2012 - 2015

Communications Planner

Oversaw all diversity-advertising initiatives for five departments, liaised with media outlet contacts to enhance opportunities and supervised development and execution of sports/stadium contracts.

Department of Defense, Washington DC.

2005 – 2012

Intelligence Officer

Deployed as an interrogator and field collection officer; provided support to Defense Attaché Offices, produced 200+ time and politically sensitive reports.

EDUCATION & CREDENTIALS

Masters of Arts | Georgetown University, Washington DC (2012)

Graduated Magna Cum Laude

Bachelor of Arts in Communications and Political Science | University of Michigan, Dearborn, MI (2004)

Graduated with Honors

AWARDS

Crain's Detroit 50 names to know in Government 2019 | Crain's Detroit 40 under 40 2019 | Defense Meritorious Service Medal | DIA Award for Meritorious Service | DIA Civilian Award for Excellence | DIA Meritorious Civilian Service Medal | DIA Civilian Expeditionary Medal | Junior Intelligence Officer of the Year | National Intelligence Meritorious Unit Citation Award

**CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD AUGUST 8, 2022**

Meeting was called to order at 8:12 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, Housing Director and Jeannine Laible, Director of Civil Service.

Councilmember Scott Morgan led the Pledge of Allegiance.

5. REAPPOINTMENT OF MICHAEL MARIHUGH TO THE LIVONIA LOCAL OFFICERS COMPENSATION COMMISSION: Office of the Mayor; re: for a seven-year term, which will expire on April 2, 2029.

LaShawn Thomas, Director of Governmental Affairs, presented the request to Council.

Michael Marihugh was present at the podium to answer any questions of Council. He stated that he loves Livonia, commends the Police Department and is glad to be on the Commission for another seven years.

Councilmember Kathleen McIntyre stated that Mike is an outstanding citizen and offered an approving resolution on the Consent agenda.

DIRECTION:

APPROVING

CONSENT



LETTER TO THE LIVONIA CITY COUNCIL

5.

Mayor's Office
July 18, 2022

MEETING DATE

S080822/R082222

PREPARED BY

Janice Centers, Executive Assistant to the Mayor - Program Supervisor,

AGENDA ITEM

REAPPOINTMENT OF MICHAEL MARIHUGH TO THE LIVONIA LOCAL OFFICERS
COMPENSATION COMMISSION: Office of the Mayor; re: for a seven-year term, which will expire
on April 2, 2029.

BACKGROUND

Honorable Members of the City Council, City of Livonia

RE: Reappointment of Michael Marihugh to the Livonia Local Officers Compensation Commission

Dear Council Members,

I am herewith submitting to you, for your consideration and approval, the reappointment of Mr. Michael Marihugh, 20085 Irving Drive, Livonia, Michigan 48152, as a member of the Livonia Local Officers Compensation Commission for a term that will expire on April 2, 2029.

Your approval on this reappointment is respectfully requested.

Sincerely,
Maureen Miller Brosnan, Mayor

RECOMMENDATION

Reappoint Michael Marihugh to the Livonia Local Officers Compensation Commission for a seven-year term.

FISCAL CONSIDERATION

ATTACHMENTS

1. LTC Reappt Michael Marihugh

APPROVED BY

A handwritten signature in black ink, reading "Maureen Miller Brosnan". The signature is written in a cursive, flowing style.

Date: July 29, 2022

Maureen Miller Brosnan, Mayor

**CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD AUGUST 8, 2022**

6

Meeting was called to order at 8:12 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, Housing Director and Jeannine Laible, Director of Civil Service.

Councilmember Scott Morgan led the Pledge of Allegiance.

6. REQUEST FOR APPROVAL OF THE SENIOR ALLIANCE 2023-2025 MULTI-YEAR PLAN (MYP) and 2023 ANNUAL IMPLEMENTATION PLAN (AIP): Brandie Isaacson, Housing Director, on behalf of Emma Olsen, Senior Alliance Planning and Advocacy Specialist, re: as required by the State of Michigan's Department of Health and Human Services (MDHHS) to be submitted to the State Commission on Services to the Aging.

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

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

DIRECTION:

APPROVING

CONSENT



LETTER TO THE LIVONIA CITY COUNCIL

6.

Housing
July 29, 2022

MEETING DATE

S080822/R082222

PREPARED BY

Brandie Isaacson, Director of Housing

AGENDA ITEM

REQUEST FOR APPROVAL OF THE SENIOR ALLIANCE 2023-2025 MULTI-YEAR PLAN (MYP) and 2023 ANNUAL IMPLEMENTATION PLAN (AIP): Brandie Isaacson, Housing Director, on behalf of Emma Olsen, Senior Alliance Planning and Advocacy Specialist, re: as required by the State of Michigan's Department of Health and Human Services (MDHHS) to be submitted to the State Commission on Services to the Aging.

BACKGROUND

The State of Michigan's Aging and Adult Services Agency (AASA) requires The Senior Alliance (TSA) to request a resolution approving its 2023-2025 Multi-Year Plan (MYP) and 2023 Annual Implementation Plan (AIP) from each of its 34 municipalities within its service area.

RECOMMENDATION

WHEREAS, the City Council of the City of Livonia, Wayne County, Michigan recognizes the role of The Senior Alliance (TSA) as the designated Area Agency on Aging for Southern and Western Wayne County to be responsible for planning, developing, coordinating, monitoring, and managing a comprehensive organized service delivery system of services for older adults and caregivers.

WHEREAS, the 34 communities of Southern and Western County, including the City of Livonia, comprise the Planning and Service Area of the agency's governing body.

WHEREAS, the Office of Services to the Aging requires local Area Agencies on Aging to request approval of their Multi-Year Plan from their local governments.

WHEREAS, The Senior Alliance has submitted the plan to this honorable body in accordance with federal and state laws.

WHEREAS, The Senior Alliance has held a public hearing for client, caregiver, and service provider population feedback which contributed to the development of the 2023-2025 Multi-Year Plan (MYP) and 2023 Annual Implementation Plan (AIP).

NOW, THEREFORE, BE IT RESOLVED, that this honorable body approves the 2023-2025 Multi-Year Plan and 2023 Implementation Plan, as presented to the City.

FISCAL CONSIDERATION

n/a

ATTACHMENTS

1. Municipal Resolution Request Letter from TSA
2. MYP23-25 and AIP23 The Senior Alliance Multi Year Plan

APPROVED BY



Brandie Isaacson, Director of Housing

Date: July 29, 2022



Maureen Miller Brosnan, Mayor

Date: July 29, 2022



July 1, 2022

Dear Mayor Miller Brosnan,

As you know, The Senior Alliance: Area Agency on Aging 1-C (TSA), is committed to providing services that empower people with needs to live with dignity in the community of their choice, by providing available services. On June 23, 2022, The Senior Alliance's Board of Directors approved the agency's 2023-2025 Multi-Year Plan (MYP), which outlines the agency's goals and objectives for Older Americans Act and state funds over the next three years.

The State of Michigan's Department of Health and Human Services requires TSA to request a resolution approving our MYP from each of the 34 municipalities in our planning and service area. The link to our final MYP document: <https://thesenioralliance.org/>. A printed copy of the MYP can be sent via U.S. Mail at your request.

Please share this document with your municipality's legislative body and consider a resolution approving TSA's 2023-2025 MYP no later than July 31, 2022. We are also requesting that your local unit of government send email notification of your approval or related concerns regarding the MYP as soon as possible. A sample resolution is enclosed.

If you have any questions regarding the 2023-2025 MYP, please contact Emma Olson by phone (734.612.4749) or via email (eolson@thesenioralliance.org)

Your community's continued support of TSA and our mission to provide services to older adults, individuals with disabilities, their families and caregivers throughout our region is deeply appreciated.

Thank you in advance for your consideration.

Sincerely,
Emma Olson
Planning & Advocacy Specialist
The Senior Alliance, Area Agency on Aging 1-C

**The Senior Alliance
Fiscal Years 2023-2025
Multi-Year Plan
Approval & Resolution Request Form**

Municipality Name			
Street Address		City:	Zip Code:
Phone Number			
Contact Person			
Email Address			
Please share this document and the 2023-2025 Multi-Year Plan (MYP) with your municipality's legislative body and consider a resolution approving TSA's MYP no later than July 31, 2022. We are also requesting that your local unit of government send email notification of your approval or related concerns regarding the MYP as soon as possible. A sample resolution is enclosed. To electronically view the FY 2023-2025 MYP, please visit https://thesenioralliance.org/			
Please select one	_____ We hereby acknowledge receipt of and approve the 2023-2025 Multi-Year Plan (MYP) for The Senior Alliance: Planning and Service Area I-C. Projected Date for Resolution Vote: _____		
	_____ We hereby acknowledge receipt of and approve the 2023-2025 Multi-Year Plan (MYP) for Planning and Service Area I-C with recommended revisions as noted in the comments section of this form. Projected Date for Resolution Vote: _____		
	_____ I hereby acknowledge receipt of and disapprove of the proposed 2023-2025 Multi-Year Plan (MYP) for The Senior Alliance: Planning and Service Area I-C.		

Authorized Official Signature

Date

COMMENTS ON THE FY 2023-2025 MULTI-YEAR PLAN

Please list any comments and/or describe any recommendations that your municipality proposes for consideration in the 2023-2025 Multi-Year Plan.

**Please e-mail or fax this form with any applicable comments to The Senior Alliance
with a copy of your municipality's resolution by July 31, 2022**

E-Mail Resolution to: eolson@thesenioralliance.org

U.S Mail an original copy of the Resolution to:
The Senior Alliance
Attention: Emma Olson
5454 Venoy
Wayne, MI 48184

If you have any questions or would like more information, please contact
Emma Olson, Planning and Advocacy Specialist
(734) 612-4749 or eolson@thesenioralliance.org

Resolution # _____

RESOLUTION OF CITY/TOWNSHIP COUNCIL OF THE CITY/TOWNSHIP
OF _____ AFFIRMING APPROVAL OF
THE SENIOR ALLIANCE **2023-2025 MULTI-YEAR PLAN** FOR AGING SERVICES

WHEREAS, the City/Township Council of the City/Township of _____, Wayne County, Michigan recognizes the role of The Senior Alliance as the designated Area Agency on Aging for Southern and Western Wayne County to be responsible for planning, developing, coordinating, monitoring, and managing a comprehensive organized service delivery system of services for older adults and caregivers.

WHEREAS, the 34 communities of Southern and Western Wayne County, including the City/Township of _____ comprises the Planning and Service Area to the agency's governing body.

WHEREAS, the Aging and Adult Services Agency require local Area Agencies on Aging to request approvals of their Annual Implementation Plan from their local governments.

WHEREAS, The Senior Alliance has submitted the plan to this honorable body in accordance with federal and state laws.

WHEREAS, The Senior Alliance has held a public hearing for client, caregiver, and service provider population feedback which contributed to the development of the Multi-Year Plan for Fiscal Years (FY) 2023-2025.

NOW, THEREFORE, BE IT RESOLVED, that this honorable body of _____ approves the Multi-Year Plan for Fiscal Years (FY) 2023-2025, as presented to the City/Township.

APPROVED AND ADOPTED, by the City/Township Council on _____, 2022.

Motion:

Second:

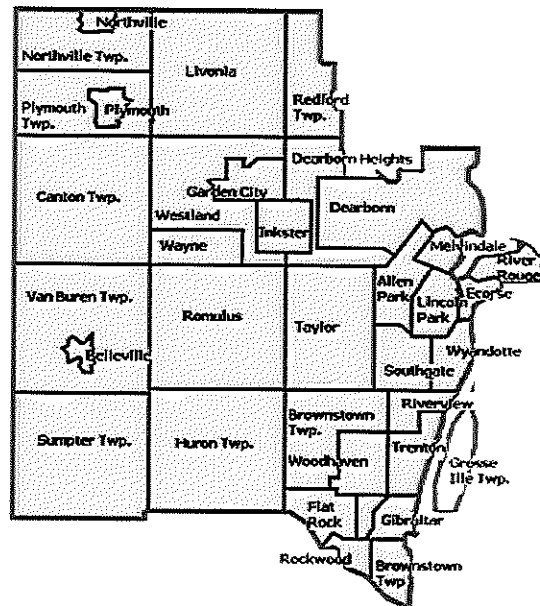
Ayes:

Signed:

Dated:

I attest that the foregoing is true and correct copy of a resolution approved at the _____
held in _____ on _____.

2023-2025 Multi Year Plan
FY 2023 ANNUAL IMPLEMENTATION PLAN
THE SENIOR ALLIANCE, INC. 1-C



Planning and Service Area

Serves all Wayne County
(Excluding areas served by Region 1-A)

The Senior Alliance, Inc. 1-C

5454 Venoy Road

Wayne, MI 48184

734-722-2830

1-800-815-1112 (SE Mich only)

734-722-2836 (fax)

Tamera Kiger, CEO

<https://thesenioralliance.org>

Field Representative Laura McMurtry

mcmurtryl@michigan.gov

517-284-0174

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Michigan Department of Health & Human Services
BUREAU OF AGING, COMMUNITY LIVING, AND SUPPORTS

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Executive Summary

The executive summary provides a succinct description of the priorities set by the area agency for the use of Older Americans Act (OAA) and state funding during FY 2023-2025. Please include a summary of your agency that touches on each of the items listed below.

1. A brief history of the area agency and respective PSA that provides a context for the MYP/AIP. It is appropriate to include the area agency's vision and/or mission statements and a brief description of the PSA. Include information on the service population, agency strengths, challenges, opportunities, and primary focus for the upcoming three-year period.
2. A description of planned special projects and partnerships.
3. A description of specific management initiatives the area agency plans to undertake to achieve increased efficiency in service delivery, including any relevant certifications or accreditations the area agency has received or is pursuing.
4. Address the agency's response to the COVID-19 pandemic emergency, including a description of the challenges and continuing needs due to this emergency.
5. Any significant new priorities, plans or objectives set by the area agency for the use of OAA and state funding during the MYP. If there are no new activities or changes, note that in your response.
6. A description of the area agency's assessment of the needs of their service population. See *Operating Standard for AAAs C-2, 4.*

1. A brief history of the area agency and respective PSA that provides a context for the MYP/AIP. It is appropriate to include the area agency's vision and/or mission statements and a brief description of the PSA. Include information on the service population, agency strengths, challenges, opportunities, and primary focus for the upcoming three-year period.

The Senior Alliance (TSA) is a 501 c(3) non-profit organization responsible for planning and coordinating a network of services as the designated Area Agency on Aging (AAA) for Region 1C. As an AAA we serve approximately 240,000 older adults (U.S. Census 2019 American Community Survey data) residing in southern and western Wayne County. Founded in 1980, TSA's mission is, "Assisting people to thrive as they live, age and grow." We envision our role as "Leading our community toward a healthy future where all have the opportunity to engage, connect and contribute." Our foundation is built upon enabling access to the network of home and community based long term supports and services available through Older Americans Act funding. These services include nutrition programs, Care Management, Case Coordination & Support, Information & Assistance, Transportation, Medicare/Medicaid Assistance Program (MMAP), the Long-Term Care Ombudsman, Adult Day Care, evidence-based health & wellness programs, legal assistance and telephonic Friendly Reassurance. A particular focus is given to advocating for the needs of older adults and individuals living with a disability in our service area.

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In late 2021 The Senior Alliance added three new Board of Director members that bring a significant experience and expertise to our governing body. These three new members also bring voices and experiences from the black community in our PSA to our policy making board.

In May 2022 our Board of Directors approved amended Organizational Bylaws that created three standing committees: Finance, Compliance and Governance. The revisions also 10 meetings for our Board of Directors, an Executive Committee to meet in case of urgent matters, a new process for appointing Board At-Large members and the Advisory Council membership. Term limits for Board of Director members was also instituted under this revision.

2. A description of planned special projects and partnerships.

A Regional Service Definition is being requested in this MYP for Gap Filling Services. This will give TSA some flexibility in our ability to quickly respond to urgent unmet needs that we find occurring in PSA 1C – particularly in situations where an individual's ability to live in the community cannot be addressed by other programs or services.

Second, is a Regional Direct Service Request to provide Emergency Groceries for older and disabled adults who are not able to purchase these items during the pandemic or another specified emergency because they are unable to go to a store. This program was developed to fill an identified food gap. Many older adults in PSA 1C were in desperate need of food during the pandemic. Some lacked transportation to get to the grocery store to purchase items. Others were ill, frail or too frightened to venture outside of their homes.

TSA currently plans to continue working with our three contractual partners on the MI Health Link Demonstration project as MDHHS transitions this initiative to a D-SNP model. This long-running demonstration project has been exploring a managed long-term service and supports services delivery model for dual-eligible individuals.

TSA will continue to work with a grant from the Michigan Health Endowment Fund to develop and pilot our Hearken program, designed to support lonely and socially isolated older adults (aged 60+) to build sustainable connections leading to greater physical, mental, and emotional health. A Regional Service Definition is also being requested for this innovative program.

TSA adopted a Meals-on-Wheels route in February of 2022 to live our mission in the community. The route runs in in the City of Inkster, where our staff, board members, and advisory council members can volunteer thtree times per week to deliver meals. TSA will continue to adopt this route as home-delivered meal program transitions back to a 5-day a week hot meal program in 2023 from the frozen meal model implemented by the agency's contracted vendor during the COVID-19 pandemic.

TSA will also continue to partner with Gleaners as a food box distribution site, which started in June of 2022. TSA will assist and facilitate the distribution of up to 50 meal boxes once a month.

Advocacy efforts in fiscal year 2022 have focused on building awareness amongst elected officials about services and programs offered by The Senior Alliance. TSA is a participant in the Silver Key Coalition and active in the advocacy efforts of the Area Agency on Aging Association of Michigan, including Older Michiganians Day. A monthly advocacy update e-mail is sent monthly to keep stakeholders engaged and

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informed.

1.3. A description of specific management initiatives the area agency plans to undertake to achieve increased efficiency in service delivery, including any relevant certifications or accreditations the area agency has received or is pursuing.

1. Response

1. The Senior Alliance (TSA) is moving our workforce to a hybrid workplace model.

1. TSA will strive to continue achieving Diversity, Equity, and Inclusion goals, conduct outreach to targeted communities and expand the voices involved in all aspects of our agency.

1. TSA will maintain National Committee for Quality Assurance (NCQA) accreditation.

1. TSA will maintain Alliance of Information and Referral Systems (AIRS) certification for all Resource Center staff who provide Information and Assistance services.

1.4. Address the agency's response to the COVID-19 pandemic emergency, including a description of the challenges and continuing needs due to this emergency.

In March 2020 the lives of older adults and people living with a disability were dramatically impacted by COVID-19 and the urgent public health measures that were taken in response to a fast-spreading global pandemic. The population we serve as an Area Agency on Aging quickly proved to be the most vulnerable to this illness, brought on by a nouvelle coronavirus that is readily transmitted in congregate settings.

In response to the COVID-19 pandemic TSA quickly transitioned to a 100% remotely based workforce on Friday, March 13, 2020 focused on maintaining connection with the people we serve. Since then, TSA has invested in technological tools to further empower staff working remotely, along with a virtual I.T. help desk. Microsoft Teams has been deployed and adopted as a software tool to routinely connect and engage TSA staff in their day-to-day work, improving productivity.

Personal Protection Equipment (PPE) was distributed to our vendor network and older adults during the pandemic.

Our Care Management and Case Coordination programs have addressed needs amongst participants by conducting a variety of initiatives. At the outset of the pandemic staff conducted initial check-ins and then shifted to routine services. With the addition of new staff, TSA is increasing enrollment into Care Management and Case Coordination & Support monthly.

TSA connected older adults, caregivers, and direct care workers with information about the COVID-19 vaccine through our COVID-19 vaccine outreach initiatives. Vaccination information is provided on our website and social media platforms. Information was mailed to residents in our targeted communities and a grant-funded vaccination visibility campaign launched to encourage vaccination. This campaign included social media outreach, radio ads, billboards and bus signage.

TSA continues to experience severe shortages in the direct care workforce. Several factors, including fear of contracting COVID-19 and low wages, led to the current shortage of workers. TSA is working with colleagues across Michigan to address the challenges related to the direct care workforce.

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TSA continues to partner with Gleaners Food Bank on a food box distribution initiative for those with an identified need.

1.5. Any significant new priorities, plans or objectives set by the area agency for the use of OAA and state funding during the MYP. If there are no new activities or changes, note that in your response.

The 2023-2025 Request for Proposal process includes a new opportunity for caregiver education and support classes. With this TSA is exploring opportunities to further address caregiving issues.

Our MMAP program is transitioning to a community-based work model. The team will be co-locating in senior centers on a regular and recurring schedule to expand outreach to the community.

TSA will continue to supply incontinence supplies through our Care Management team. This was a emergency COVID-19 initiative that will transition to year-round offering.

1.6. A description of the area agency's assessment of the needs of their service population. See Operating Standard for AAAs C-2, #4.

TSA deployed our Annual Input Survey to obtain feedback from service providers and community members on their top priorities and needs for older adults, caregivers, and service providers. An Input Session was conducted with our Advisory Council to capture their views on needs in our service area. TSA identified additional needs for older adults and caregivers through our Information & Assistance team and our Annual Input Survey results.

Information & Assistance's Top 10 Caller Topics in FY 2021:

1. In-Home Health Care
2. Home Delivered Meals/Food Assistance
3. Legal
4. Housing
5. Transportation
6. Personal Emergency Response Systems
7. Veterans Benefits & Assistance
8. Medicare/Medicaid Assistance
9. TSA General Information & Assistance
10. Loan Closet items

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County/Local Unit of Government Review

Area Agencies on Aging must send a letter, with delivery and signature confirmation, requesting approval of the final MYP/AIP by no later than June 24, 2022, to the chairperson of each County Board of Commissioners within the Planning and Service Area (PSA), requesting their approval by July 12, 2022. For a PSA comprised of a single county or portion of the county, approval of the MYP/AIP is to be requested from each local unit of government within the PSA. If the area agency does not receive a response from the county or local unit of government by July 14, 2022, the MYP/AIP is deemed passively approved. The area agency must notify their Bureau of Aging and Community Living Supports (ACLS Bureau) field representative by July 18, 2022, whether their counties or local units of government formally approved, passively approved, or disapproved the MYP/AIP. The area agency may use electronic communication, including email and website-based documents, as an option for acquiring local government review and approval of the MYP/AIP. To employ this option, the area agency must:

Send a letter through the US Mail with delivery and signature confirmation or an email requiring a response confirming receipt to the chief elected official of each appropriate local government advising them of the availability of the final draft MYP/AIP on the area agency's website. Instructions for how to view and print the document must be included. Offer to provide a printed copy of the MYP/AIP via US Mail or an electronic copy via email, if requested. Be available to discuss the MYP/AIP with local government officials, if requested. Request email notification from the local unit of government of their approval of the MYP/AIP, or their related concerns. Please describe the efforts, including the use of electronic communication, made to distribute the MYP/AIP and to gain support from the appropriate county and/or local units of government.

The Senior Alliance (TSA) will inform each chief elected official of the 34 local units of government comprising the Planning & Service Area (PSA) 1C of southern and western Wayne County about the availability of the 2023-2025 Multi-Year Plan, as approved by the Board of Directors, on TSA's website by Friday, June 24, 2022. This notice will be sent in a letter sent via the U.S. Mail, with delivery and signature confirmation, and contain information on how to access, view and print the 2023-2025 MYP document. This letter will also advise that a printed copy of TSA's 2023-2025 MYP can be sent via U.S. Mail, or as an electronic copy via email, if requested. The letter will also note that TSA's Chief Executive Officer and Planning & Advocacy Specialist are available to discuss the 2023-2025 MYP, if requested. Email notification from the local unit of government of their approval of the 2023-2025 MYP or their related concerns will be requested in the letter, with a due date of Friday, July 29, 2022.

Notification of the draft 2023-2025 MYP's availability will also be sent to TSA's Board of Directors prior to the public hearing on Monday, May 9, 2022. TSA's Board of Directors is partly comprised of individuals appointed by the Conference of Western Wayne (CWW) and the Downriver Community Conference (DCC). The CWW and DCC memberships are constituted of the chief elected officials within PSA 1C.

TSA's Advisory Council and current Community Focal Points will also receive the 2023-2025 MYP Public Hearing notice and a link to the draft 2023-2025 MYP. The Community Focal Points will be encouraged to

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share the draft 2023-2025 MYP and the public hearing notice within their communities.

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Public Hearings

The area agency must employ a strategy for gaining MYP/AIP input directly from the planned service population of older adults, caregivers, and persons with disabilities, along with elected officials, partners, providers and the general public, throughout the PSA. The strategy should involve multiple methods and may include a series of input sessions, use of social media, on-line surveys, etc.

At least two public hearings on the FY 2023-2025 MYP/AIP must be held in the PSA. In-person hearings are preferred, but virtual hearings are acceptable if they follow Michigan's Open Meetings Act and the requirements of the area agency's governing authorities. The hearings must be accessible. When deciding between online and in-person meetings, consider limitations to internet access and other accessibility issues with the relevant populations in your region. In person, e-mail, and written testimony must also be accepted for at least thirty days beginning when the summary of the MYP/AIP is made available.

The area agency must post a notice of the public hearing(s) in a manner that can reasonably be expected to inform the public about the hearing(s). Acceptable posting methods include but are not limited to: paid notice in at least one newspaper or newsletter with broad circulation throughout the PSA, as well as news sources geared toward communities of color, people who are lesbian, gay, bisexual, transgender queer or other (LGBTQ+), immigrant communities and/or other underrepresented groups; presentation on the area agency's website, along with communication via email and social media referring to the notice; press releases and public service announcements; and a mailed notice to area agency partners, service provider agencies, Native American organizations, older adult organizations and local units of government. See *Operating Standards for Area Agencies on Aging*, Section B-2 #3. The public hearing notice should be available at least thirty days before the scheduled hearing. This notice must indicate the availability of a summary of the MYP/AIP at least fourteen days prior to the hearing, and information on how to obtain the summary. All components of the MYP/AIP should be available for the public hearings.

Complete the chart below regarding your public hearing(s). Include the date, time, number of attendees and the location and accessibility of each public hearing. Please scan any written testimony (including emails received) as a PDF and upload on this tab.

A narrative description of the hearings and the public input strategy is also required. Please describe the strategy/approach employed to encourage public attendance and testimony on the MYP/AIP. Tell us the strategy used specifically to inform communities of color, LGBTQ+, immigrant communities and/or other underrepresented groups. Describe all methods used to gain public input and the resultant impact on the MYP/AIP. Indicate whether the meeting(s) complied with the Michigan Open Meetings Act.

Date	Location	Time	Barrier Free?	No. of Attendees
05/09/2022	5454 Venoy Rd, Wayne	09:30 AM	Yes	14

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05/12/2022	6750 Troy St. Taylor, MI 48186	01:00 PM	Yes	0
05/13/2022	Zoom	01:00 PM	Yes	1

1 question asked about Cultural Sensitivity Training for staff.

1 comment expressed appreciation for including Adult Day Care Service Definition in MYP.

1 question asked about the continuation of Robotic Companion Pets.

1 question asked about pursuing a senior millage in Wayne County.

1 comment in support of advocating for Arab-American data to be collected by the United States Census Bureau, using the MENA definition.

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Regional Service Definitions

If the area agency is proposing to fund a service category that is not included in the *Operating Standards for Service Programs*, then information about the proposed service category must be included under this section. Enter the service name, identify the service category and fund source, unit of service, minimum standards, and rationale for why activities cannot be funded under an existing service definition.

Service Name/Definition

Enhanced Adult Day Services

Rationale (Explain why activities cannot be funded under an existing service definition.)

In-person adult day program attendance is sometimes not possible during emergency situations that result in the closing of adult day program facilities. However, caregivers and clients continue to need support. Adult Day Programs can provide activity packets, socialization through video or phone interactions, and other non-traditional activities to support caregivers and clients while traditional program participation is not an option.

Service Category	Fund Source				Unit of Service
☐ Access	☒ Title III PartB	☐ Title III PartD	☐ Title III PartE		One Hour of Time Spent
☐ In-Home	☐ Title VII	☐ State Alternative Care	☐ State Access		
☒ Community	☐ State In-home	☐ State Respite			
	☒ Other	MATF			

Minimum Standards

The Senior Alliance requests an expansion of the service unit definition for Adult Day Services to include : phone calls with family caregivers and clients, "support group" phone calls with family caregivers, activity packet development and dissemination to participants, and when appropriate, use ADC staff to deliver food, medications, and essential items to clients.

Adult Day Centers play a vital role in not only providing respite relief to caregivers, but also by providing meaningful activities and structure to persons with Alzheimer's Disease and other dementia. These needs did not disappear when the centers were closed because of the COVID-19 pandemic. Creating weekly (and many times bi-weekly) activity packets to send/deliver to participants who now must remain at home is helpful to both the participant and the caregiver. Calls to participants, especially those using video are meaningful as well. Stopping by their homes with signs letting them know they are thought of, dropping off meals or favorite treats, etc. are all important ways to remain in touch. This is vital to folks with dementia, so that the participant will continue to see familiar faces throughout this difficult time .

The Senior Alliance believes Adult Day Centers provide a valuable and compassionate service to both participants and caregivers in difficult times and should not be adversely affected because their centers must be closed during a public health emergency.

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Service Name/Definition Gap Filling Services		
Rationale (Explain why activities cannot be funded under an existing service definition.) Gap Filling Services address barriers to independence, health, or safety that require immediate attention when other resources are not available or accessible. Gap Filling Services are a one-time last resort option that provide flexible, cost effective, and person-centered resources to address unmet needs of older adults and caregivers in an effort to create and/or maintain a safe living environment in the community.		
Service Category	Fund Source	Unit of Service
☐ Access ☒ In-Home ☒ Community	☒ Title III PartB ☐ Title III PartD ☒ Title III PartE ☐ Title VII ☐ State Alternative Care ☐ State Access ☐ State In-home ☐ State Respite ☐ Other _____	One hour

Minimum Standards

1. Services will be based on an intake and assessment conducted by Information & Assistance, Care Management, Case Coordination & Support or Supports Coordination staff.
2. Staff will identify a lack of available services, programs or resources to address the issue.
3. Recipients of Gap Filling Services will be encouraged to share in the cost of provided Gap Filling Services.
4. Gap Filling Services may include, but are not limited to: minor home modification/home safety equipment, household/yard chore, extermination service, moving assistance, major decluttering, personal care training, specialized medical or communications equipment and technologies, accessibility ramps, utility assistance, supplies and other services deemed necessary to enable an older adult to remain living in the community.
5. A Manager must approve use of gap filling services.

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Service Name/Definition Emergency Grocery Shopping			
Rationale (Explain why activities cannot be funded under an existing service definition.) TSA recognizes that many older adults encounter emergency situations where they cannot go to the grocery store for basic food and supplies when needed. An emergency shopping service was made available to older and disabled adults during the COVID-19 pandemic to address this issue and will continue to be made available during this multi-year plan cycle.			
Service Category	Fund Source		Unit of Service
☒ Access ☐ In-Home ☐ Community	☐ Title III PartB ☐ Title III PartD ☐ Title III PartE ☐ Title VII ☐ State Alternative Care ☐ State Access ☒ State In-home ☐ State Respite ☐ Other _____		One hour of time spent

Minimum Standards

1. Conduct phone interview to determine individualized grocery needs
2. Utilized volunteers to provide grocery needs

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Service Name/Definition Hearken - Combating loneliness and social isolation in older adults		
Rationale (Explain why activities cannot be funded under an existing service definition.) There are currently no existing minimum standards that specifically provide a holistic approach to form sustainable connections and address the needs of lonely and socially isolated older adults. A variety of evidence-based assessment and screening tools are used for a holistic approach to evaluate an individual's current needs and barriers and provide person-centered resources & interventions to address them – leading to greater physical and mental health.		
Service Category	Fund Source	Unit of Service
☒ Access ☐ In-Home ☐ Community	☒ Title III PartB ☐ Title III PartD ☐ Title III PartE ☐ Title VII ☐ State Alternative Care ☐ State Access ☐ State In-home ☐ State Respite ☒ Other <u>TBD</u>	1 occurrence of service

Minimum Standards

1. Program enrollment shall be provided to referred individuals based on screening, intake, and assessment conducted by Hearken staff.
2. Services may include, but are not limited to: holistic assessment, development of a Wellness Recovery Action Plan, provision of person centered resources and interventions, external referrals and warm hand-offs as appropriate, and regular contacts through phone, video, or in-person visits.
3. Services may be provided by Hearken staff including a program manager, Registered Nurse, Social Worker, Peer Mentor, and/or volunteers.
4. Older adults do not need to be enrolled in another TSA program to receive Hearken services.

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Access Services

Access services may be provided to older adults directly by the area agency without a Direct Service Provision Request. Approved access services are Care Management, Case Coordination and Support, Options Counseling, Disaster Advocacy and Outreach Programs, Information and Assistance, Outreach, and Merit Award Trust Fund (MATF)/State-Caregiver-Support-Program-funded Transportation with specific attention to outreach with underserved populations. If the area agency is planning to provide any access services directly during FY 2023-2025, complete this section.

Select from the list of all access services the ones the area agency plans to provide directly during FY 2023-2025, and provide the information requested. Specify, in the appropriate text box for each service category, the planned goals and activities that will be undertaken to provide the service.

Direct service budget details for FY 2023 are to be included under the appropriate tab in the Area Plan Grant Budget. The funding identified in this tab should correspond to the funding (Federal OAA Title III or VII and State funds) identified in the Area Plan Grant Budget, Direct Service Budget details.

Care Management

<u>Starting Date</u>	10/01/2022	<u>Ending Date</u>	09/30/2023
Total of Federal Dollars	\$72,381.00	Total of State Dollars	\$503,822.00

Geographic area to be served

PSA 1C

Specify the planned goals and activities that will be undertaken to provide the service.

GOAL: Provide quality Care Management (CM) services throughout the entire PSA 1- C.

ACTIVITIES:

1. CM clients will receive comprehensive assessment and the desired level of assistance with coordination of services most appropriate to their needs and wishes. Enrollment continues on an ongoing basis.

Program quality will be monitored on an ongoing basis. As necessary, program improvements will be made. Staff training will be identified through quality assurance activities and training will be provided, as needed.

TSA recognizes that many older adults encounter emergency situations where they cannot go to the grocery store for basic food and supplies when needed. An emergency shopping service was made available to Care Management program participants during the COVID-19 pandemic to address this issue and will continue to be made available during this multi-year plan cycle.

Number of client pre-screenings:	Current Year:	618	Planned Next Year:	800
Number of initial client assessments:	Current Year:	77	Planned Next Year:	180
Number of initial client care plans:	Current Year:	77	Planned Next Year:	180
Total number of clients (carry over plus new):	Current Year:	470	Planned Next Year:	600

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Staff to client ratio (Active and
maintenance per Full time care

Current Year: 1-61

Planned Next Year: 1-60

Case Coordination and Support

Starting Date 10/01/2022

Ending Date 09/30/2023

Total of Federal Dollars \$209,687.00

Total of State Dollars \$113,632.00

Geographic area to be served

PSA 1C

Specify the planned goals and activities that will be undertaken to provide the service.

GOAL: To provide quality Case Coordination and Support (CCS) services for older adults within the PSA 1C.

ACTIVITIES:

1. Clients who do not currently need a nursing facility level of service, but are at-risk of needing that level of care; will receive support to prevent or slow a further medical or functional decline. Enrollment continues on an ongoing basis.

Program quality will be monitored on an ongoing basis. As necessary, program improvements will be made. Staff training will be identified through quality assurance activities and trainings will be provided, as needed.

Information and Assistance

Starting Date 10/01/2022

Ending Date 09/30/2023

Total of Federal Dollars \$260,350.00

Total of State Dollars \$45,614.00

Geographic area to be served

PSA 1C

Specify the planned goals and activities that will be undertaken to provide the service.

GOAL: Provide quality Information and Assistance (I&A) services to the entire PSA 1-C through the continued engagement and increased partnerships with community-based organizations, local governments, health care entities, community focal points, and local senior centers to gain relevant and up-to-date information on the needs of the community.

ACTIVITIES:

1. Provide up-to-date information to the entire PSA 1C by offering appropriate resources and referrals.

Update and expand the new I&A resource database to accurately reflect available resources.

Continue to measure the quality of calls through ongoing phone monitoring and mentoring sessions with I&A staff and random database checks.

Monitor type and quantity of calls coming into the I&A department and document engagements in iCarol.

Transportation (for MATF only)

Starting Date 10/01/2022

Ending Date 09/30/2023

Total of Federal Dollars \$136,504.00

Total of State Dollars \$133,866.00

Geographic area to be served

PSA 1C

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Specify the planned goals and activities that will be undertaken to provide the service.

GOAL: Provide TSA's ride-of-last-resort transportation to medical visits, pharmacies, and governmental offices that clients are otherwise unable to access and/or afford.

ACTIVITIES:

1. Residents of the planning service area (PSA) 1C will have an improved transportation options to access non-emergency medical, housing transitions, benefit application, and enrollment appointments.

In collaboration with the I&A department, identify additional community resource options to meet the growing need for transportation services.

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Direct Service Request

It is expected that in-home, community, and nutrition services will be provided under contracts with community-based service providers. However, when appropriate, area agencies may ask to provide these services directly. Direct Service Provision Requests must be approved by the Commission on Services to the Aging (CSA). Direct service provision by the area agency may be appropriate when, in the judgment of the ACLS Bureau: A) provision is necessary to ensure an adequate supply; B) the service is directly related to the area agency's administrative functions; or C) a service can be provided by the area agency more economically than any available contractor and with comparable quality. Area agencies requesting approval to provide an in-home, community, and/or a nutrition service must complete the section below for each service category.

Select the service from the list and enter the information requested pertaining to basis, justification, and public hearing discussion for any Direct Service Provision Request for FY 2023-2025. Specify in the appropriate text box for each service category the planned goals and activities that will be undertaken to provide the service.

Direct service budget details for FY 2023 are to be included under the Services Summary tab and Direct Service Budget tabs in the Area Plan Grant Budget. The funding identified should correspond to the funding (Federal OAA Title III or VII and state funds) identified in the Area Plan Grant Budget.

Skip this section if the area agency is not planning on providing any in-home, community, or nutrition services directly during FY 2023.

Medication Management

Total of Federal Dollars \$37,881.00

Total of State Dollars \$0.00

Geographic Area Served PSA 1C

Planned goals, objectives, and activities that will be undertaken to provide the service in the appropriate text box for each service category.

GOAL:

Support older adults with Medication Management services throughout planning service area (PSA) 1-C.

ACTIVITIES:

- 1.1) Person-centered plans will be developed to support individuals in taking medications, as prescribed.
- 2) Individuals having difficulty affording medications will be offered resources to assist them.

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Section 307(a)(8) of the Older Americans Act provides that services will not be provided directly by an Area Agency on Aging unless, in the judgment of the State agency, it is necessary due to one or more of the three provisions described below. Please select the basis for the direct service provision request (more than one may be selected).

(A) Provision of such services by the Area Agency is necessary to assure an adequate supply of such services.

(B) Such services are directly related to the Area Agency's administrative functions.

(C) Such services can be provided more economically and with comparable quality by the Area Agency.

A.

C.

Provide a detailed justification for the direct service provision request. The justification should address pertinent factors that may include: a cost analysis; needs assessment; a description of the area agency's efforts to secure services from an available provider of such services; or a description of the area agency's efforts to develop additional capacity among existing providers of such services. If the service is considered part of administrative activity, describe the rationale and authority for such a determination.

A Request for Proposals (RFP) was issued by the agency for Medication Management services in Fiscal Years 2023-2025. No bids were received in response to the RFP. The Senior Alliance will maintain the current Medication Management services, as has been done during the 2020-2022 Multi-Year Plan cycle.

The Medication Management program provides a comprehensive, in-home review of all medications an individual is taking. The in-home review of all medications is essential in identifying situations where an older adult is taking medications incorrectly or does not understand medication instructions. It also provides an opportunity to identify at-risk situations, such as when a person has not filled a prescription for a medication that the physician thinks is being taken, as prescribed.

Medication Management services are offered to adults aged 60 and older who are at-risk of medication errors due to cognitive decline, confusion, historical difficulty in managing medications, trouble in obtaining medications, complex medication regimens, or recent changes in prescribed medications.

Through the Medication Management program, TSA provides staff to assist older adults in effectively taking medications as prescribed by:

1. Addressing barriers for successful medication regime, such as finding programs to assist in paying for medications;
2. Assisting older adults in accessing transportation or medication delivery programs when getting to the pharmacy interferes with taking medications appropriately;
3. Communication with the physician and/or pharmacist (as necessary) to support the individual; and
4. Developing and applying effective medication management systems.

Describe the discussion, if any, at the public hearings related to this request. Include the date of the hearing(s).

There was no discussion at the three 2023-2025 Multi-Year Plan public hearings regarding Medication

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Management services.

Friendly reassurance

Total of Federal Dollars \$20,000.00

Total of State Dollars \$0.00

Geographic Area Served PSA 1C

Planned goals, objectives, and activities that will be undertaken to provide the service in the appropriate text box for each service category.

GOAL: Provide a point of social contact for isolated older adults in planning service area 1-C.

ACTIVITIES: 1) Place up to five phone calls per week to participants, providing a social contact. 2) Increase the number of program participants through outreach to older adults and their caregivers participating in other programs offered through The Senior Alliance. 3) Provide information on the program through outreach to Community Focal Points, local elected leaders and other agencies providing services to older adults.

Section 307(a)(8) of the Older Americans Act provides that services will not be provided directly by an Area Agency on Aging unless, in the judgment of the State agency, it is necessary due to one or more of the three provisions described below. Please select the basis for the direct service provision request (more than one may be selected).

(A) Provision of such services by the Area Agency is necessary to assure an adequate supply of such services.

(B) Such services are directly related to the Area Agency's administrative functions.

(C) Such services can be provided more economically and with comparable quality by the Area Agency.

A.

C.

Provide a detailed justification for the direct service provision request. The justification should address pertinent factors that may include: a cost analysis; needs assessment; a description of the area agency's efforts to secure services from an available provider of such services; or a description of the area agency's efforts to develop additional capacity among existing providers of such services. If the service is considered part of administrative activity, describe the rationale and authority for such a determination.

An Request for Proposals (RFP) was issued by the agency for Friendly Reassurance services in Fiscal Years 2023-2025. No bids were received in response to the RFP. The Senior Alliance will continue to provide Friendly Reassurance services, as has been done during the 2017-2019 Multi-Year Plan cycle.

Friendly Reassurance calls are routinely placed by Title V Senior Community Service Employment Program (SCSEP) personnel. SCSEP participants receive training and experience with data collection, record keeping, telephone etiquette and how to handle emergencies on the phone while rotating through their Friendly Reassurance experience. SCSEP participants have access to Information & Assistance and Medicare Medicaid Assistance Program staff to assist with resources for Friendly Reassurance program participants.

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Describe the discussion, if any, at the public hearings related to this request. Include the date of the hearing(s).

There was no discussion at the three 2023-2025 Multi-Year Plan public hearings regarding Friendly Reassurance.

Long Term Care Ombudsman

Total of Federal Dollars \$26,054.00

Total of State Dollars \$54,698.00

Geographic Area Served PSA 1C

Planned goals, objectives, and activities that will be undertaken to provide the service in the appropriate text box for each service category.

GOAL: The Long-Term Care Ombudsman (LTCO) will advocate for residents in long-term care setting by educating long-term care providers and caregivers on multi-disciplinary approaches to quality person-centered care.

ACTIVITIES:

1. Conduct outreach activities to resident councils, providing education on person-centered planning.
2. Provide information and training on quality of care to long-term care staff.
3. Build and maintain relationships with local academic institutions to engage students who are interested in advocacy and elder rights protection.

Section 307(a)(8) of the Older Americans Act provides that services will not be provided directly by an Area Agency on Aging unless, in the judgment of the State agency, it is necessary due to one or more of the three provisions described below. Please select the basis for the direct service provision request (more than one may be selected).

- (A) Provision of such services by the Area Agency is necessary to assure an adequate supply of such services.
- (B) Such services are directly related to the Area Agency's administrative functions.
- (C) Such services can be provided more economically and with comparable quality by the Area Agency.

A.
C.

Provide a detailed justification for the direct service provision request. The justification should address pertinent factors that may include: a cost analysis; needs assessment; a description of the area agency's efforts to secure services from an available provider of such services; or a description of the area agency's efforts to develop additional capacity among existing providers of such services. If the service is considered part of administrative activity, describe the rationale and authority for such a determination.

A Request for Proposals (RFP) was issued by the agency for Long-Term Care Ombudsman services in Fiscal Years 2023-2025. No bids were received in response to the RFP. The Senior Alliance will maintain the current Long-Term Care Ombudsman, as has been done during the 2020-2022 Multi-Year Plan cycle. The LTCO is an independent voice, co-located at The Senior Alliance's office. The LTCO is provided resources including: locked office space, use of secure information technology tools and immediate access to Information &

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Assistance staff, Medicare Medicaid Assistance Program staff and Community Care Department staff. The Senior Alliance also has significant experience with volunteer recruitment and management to assist the LTCO

Describe the discussion, if any, at the public hearings related to this request. Include the date of the hearing(s).

There was no discussion of services provided by the LTCO at any of the three 2023-2025 Multi-Year Plan Public Hearings.

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Regional Direct Service Request

It is expected that regionally defined services will be provided under contracts with community-based service providers, but when appropriate, a provision to provide such regional services directly by the area agency may be approved by the CSA. Regional direct-service provision by the area agency may be appropriate when, in the judgment of the ACLS Bureau: A) provision is necessary to ensure an adequate supply; B) the service is directly related to the area agency's administrative functions; or C) a service can be provided by the area agency more economically than any available contractor, and with comparable quality.

Area agencies requesting permission to provide a regional service directly must complete this tab for each service category. Enter the regional service name in the box and click "Add." The regional service name will appear in the dialog box on the left after a screen refresh. Select the link for the newly added regional service and enter the requested information pertaining to basis, justification and public hearing discussion for any regional direct service request for FY 2023-2025. Also specify in the appropriate text box for each service category the planned goals and activities that will be undertaken to provide the service. Since regional service definitions expire with the end of each multi-year plan period, please include any previously approved regional services the agency expects to continue providing directly, including COVID-19 policy-waiver-approved services. Address any discussion at the public hearing related to each regional direct service provision request.

Regional Direct Service Budget details for FY 2023-2025 are to be included under the Direct Service Budget tab and the Support Services Detail tab in the Area Plan Grant Budget. The funding identified in this tab should correspond to the funding (Federal OAA Title III or VII and State funds) identified in the Area Plan Grant Budget.

Please skip this section if the area agency is not planning on providing any regional services directly as of now.

Hearken

Total of Federal Dollars \$1,000.00

Total of State Dollars \$0.00

Geographic Area Served PSA 1C

Planned goals and activities that will be undertaken to provide the service in the appropriate text box for each service category.

Upon approval of the Hearken regional service definition, The Senior Alliance will provide Hearken services throughout planning service area (PSA) 1-C. This program is designed to help lonely and socially isolated older adults (aged 60+) build sustainable connections. A variety of evidence-based assessment and screening tools are used for a holistic approach to evaluate an individual's current needs and barriers and provide person-centered resources & interventions to address them – leading to greater physical, mental and emotional health. This program will be funded under a grant from the Michigan Endowment Fund.

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GOAL:

Support lonely and socially isolated older adults with Hearken services throughout planning service area (PSA) 1-C.

ACTIVITIES:

Program enrollment shall be provided to referred individuals based on screening, intake, and assessment conducted by Hearken staff.

Services may include, but are not limited to: holistic assessment, development of a Wellness Recovery Action Plan, provision of person centered resources and interventions, external referrals and warm hand-offs as appropriate, and regular contacts through phone, video, or in-person visits.

Services may be provided by Hearken staff including a program manager, Registered Nurse, Social Worker, Peer Mentor, and/or volunteers.

Older adults do not need to be enrolled in another TSA program to receive Hearken services.

Section 307(a)(8) of the Older Americans Act provides that services will not be provided directly by an Area Agency on Aging unless, in the judgment of the State agency, it is necessary due to one or more of the three provisions described below. Please select the basis for the direct service provision request (more than one may be selected).

(A) Provision of such services by the Area Agency is necessary to assure an adequate supply of such services.

(B) Such services are directly related to the Area Agency's administrative functions.

(C) Such services can be provided more economically and with comparable quality by the Area Agency.

A

Provide a detailed justification for the direct service provision request. The justification should address pertinent factors that may include: a cost analysis; needs assessment; a description of the area agency's efforts to secure services from an available provider of such services; or a description of the area agency's efforts to develop additional capacity among existing providers of such services. If the service is considered part of administrative activity, describe the rationale and authority for such a determination.

There are currently no existing minimum standards that specifically provide a holistic approach to form sustainable connections and address the needs of lonely and socially isolated older adults. A variety of evidence-based assessment and screening tools are used for a holistic approach to evaluate an individual's current needs and barriers and provide person-centered resources & interventions to address them – leading to greater physical and mental health.

Describe the discussion, if any, at the public hearings related to this request. Include the date of the hearing(s).

There was no discussion at the three 2023-2025 Multi-Year Plan public hearings regarding Medication Management services.

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Program Development Objectives

Please provide information for all program development goals and objectives that will be actively addressed for this multi-year period, including the diversity, equity and inclusion goal outlined here.

Diversity, Equity, and Inclusion Goal

Aging and Community Living Services Bureau (ACLS) *Operating Standards for Area Agencies on Aging* have long required that preference be given to serving older persons in greatest social or economic need with particular attention to low-income minority elderly. Please refer to *Operating Standards for Area Agencies on Aging* sections C-2 and C-4.

With increased awareness of the effects of racial and ethnic disparities on the health, well-being, and lifespans of individuals, the State Plan on Aging for FY 2023-2025 has implemented goals that relate to identifying and increasing services to black, indigenous and people of color as well as LGBTQ+ adults over age 60.

Please assess and summarize how well the area agency is currently addressing accessibility of services for the groups listed above and complete the objective(s), strategies and activities that are indicated for quality improvement in this area. Include planned efforts to:

1. Increase services provided to black, indigenous and people of color and the (LGBTQ+) communities.
2. Increase the number of area agency staff, providers and caregivers trained in implicit bias, cultural competencies, and root causes of racism.
3. Increase availability of linguistic translation services and communications based on the cultural needs in the region in which you serve.

Goal: Improve the Accessibility of Services to Michigan's Communities and People of Color, Immigrants and LGBTQ+ Individuals.

The area agency must enter each program development goal in the appropriate text box. It is acceptable, though not required, that some of the area agency's program development goals correspond to the ACLS Bureau's State Plan Goals (listed in the Documents Library). There is an entry box to identify which, if any, State Plan Goals correlate with the entered goal.

A narrative for each program development goal should be entered in the appropriate text box. Enter objectives related to each program development goal in the appropriate text box. There are also text boxes for the timeline, planned activities and expected outcomes for each objective. Additional instructions on completing the Program Development section can be found in the Documents Library.

Area Agency on Aging Goal

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A. Advocate, inform, and empower those we serve

State Goal Match: 1

Narrative

The Senior Alliance will pursue an advocacy strategy at the local, state and federal levels of government to improve the lives of older adults and their caregivers.

Objectives

1. Advocate on behalf of older adults for increased appropriations and policy changes for community-based in-home services.

Timeline: 10/01/2022 to 09/30/2025

Activities

Activities

1. Meet with elected officials to provide education on the experience of The Senior Alliance in operating the Care Management, MI Choice Waiver and MI Health Link programs, as well as the general state of Long Term Services and Supports (LTSS) and Home & Community Based Services (HCBS).
3. Provide legislative updates to stakeholders and older adults on budget processes and policy proposals involving LTSS/HCBS.
4. Advocate for increased appropriations and policy changes to support LTSS/HCBS in collaboration with the Silver Key Coalition, Area Agencies on Aging Association of Michigan (4AM) and USAging.

Expected Outcome

Increased awareness by elected officials of the impact and operations of the MI Choice Medicaid Waiver program and other LTSS/HCBS initiatives. Increased LTSS appropriations to address operating rates, waitlists and projected demographic growth in the eligible population. A move toward rebalancing the funding spent on LTSS in Michigan so the percent of appropriations spent on community-based services at least meets the national average spent by individual states.

2. Advocate on behalf of older adults for increased appropriations and policy changes for nutritional services.

Timeline: 10/01/2022 to 09/30/2025

Activities

Activities

1. Provide elected officials information on the experience of The Senior Alliance in operating nutrition programs.
2. Support the advocacy efforts of AAA stakeholders by providing legislative updates on budget processes and policy proposals involving nutritional programs.
3. Advocate for increased nutritional services appropriations and policy changes in collaboration with the Silver Key Coalition, the Area Agencies on Aging Association of Michigan (4AM), USAging and Meals on Wheels America.

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Expected Outcome

Increased awareness by elected officials of the impact and operations of the nutrition program. Increased nutrition program appropriations to address program offerings and projected demographic growth in the eligible population.

3. Serve as an information resource for elected officials on programs and services that impact the lives of older adults and their caregivers.

Timeline: 10/01/2022 to 09/30/2025

Activities

Activities

1. Educate elected officials on the role played by The Senior Alliance in the delivery of programs and services to older adults in PSA 1C.
2. Provide information to governmental stakeholders on the impact of programs such as Care Management, Case Coordination & Support, nutrition services, Transportation and other Older Americans Act funded programs.
3. Meet annually with federal and state legislative staff to provide updates on resources that constituents may find useful.
4. Provide information to elected officials on how proposed legislation, appropriation amounts or administrative rules might impact services delivered through Area Agencies on Aging and our network partners.

Expected Outcome

Elected officials will be better informed about the work done by their Area Agencies on Aging (AAA) and have the ability to link their constituents to AAA's for resources. The Senior Alliance will be viewed as an informational resource for elected officials evaluating policy and budget items concerning older adults.

4. Inform and empower older adults, caregivers and stakeholders on issues impacting the lives of older adults in PSA 1C.

Timeline: 10/01/2022 to 09/30/2025

Activities

1. Adopt an annual Advocacy Platform identifying areas of advocacy focus.
2. Continue to produce a monthly advocacy newsletter that provides information to older adults, Community Focal Points, local government officials and other stakeholders on legislative and budget activities at the state and federal level.
3. Include episodes on advocacy topics in the agency's podcast series, *Inside The Senior Alliance*.
4. Provide regular advocacy updates at meetings of the agency's Advisory Council and Board of Directors.
5. Distribute Advocacy Action Alerts to stakeholders on advocacy topics during key moments in the legislative process.

Expected Outcome

Residents of PSA 1C and stakeholders will be better informed about issues of importance in aging services and will be empowered to advocate on behalf of older adults. The Senior Alliance will be viewed as an informational resource and thought leader for policy and budget information concerning older adults.

B. Help older adults maintain their health and independence at home and in their community.

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State Goal Match: 2

Narrative

Develop and use data indicators and participant feedback to improve program quality, satisfaction and outcomes for participants. TSA recognizes falls are a serious issue for older adults, with 80% of falls occurring in the bathroom. TSA will take a proactive approach toward fall prevention by evaluating Care Management program participants who lack bathroom safety equipment, providing and installing fall prevention assistive technologies as needed, and as funds are available.

Objectives

1. Develop new data-driven procedures and report utilization to increase appropriate, specific interventions.
Timeline: 10/01/2022 to 09/30/2025

Activities

- 1.1. Develop new reporting and follow-up procedures related to participant satisfaction and feedback surveys.
2. Train staff on consistent approaches to quality case management and resource utilization during the current caregiver shortage in our area.
3. Include prevalence of falls data from COMPASS assessment tool for program participants as a regular quality outcome indicator. Regularly identify individual participants who recorded a fall on follow-up assessments and review care-plans for fall prevention techniques, interventions, or potential assessment errors. Utilizing person centered planning philosophy, TSA staff can use this data to identify focus areas to improve health outcomes.

Expected Outcome

Improve participant satisfaction as demonstrated by an increase in positive responses to feedback survey. Increase accuracy in COMPASS assessment reporting data. Decrease in the overall percentage of clients who record a fall during follow-up assessments.

2. Provide and install bathroom safety equipment for Care Management program participants to reduce fall risk, as funding is available.
Timeline: 10/01/2022 to 09/30/2025

Activities

1. TSA staff will identify Care Management program participants who lack bathroom safety equipment.
2. TSA will provide and install necessary bathroom safety equipment.
3. TSA will provide Personal Emergency Response (PERs) units and offer enhanced PERs units with fall detectors.

Expected Outcome

With available funding, a reduced rate of falls in the bathroom due to the installation of assistive technologies

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C. Promote elder and vulnerable adult rights and justice.

State Goal Match: 3

Narrative

The Medicare Medicaid Assistance Program (MMAP) and the Long-Term Care Ombudsman (LTCO) AAA 1C and our partners will educate individuals, stakeholders and advocates to increase awareness of elder abuse protections. AAA 1C will work to ensure equal access and inclusivity to resources for older adults of all physical, mental, and cognitive abilities, regardless of sexual orientation, gender identity, gender expression, race, ethnicity or veteran status.

Objectives

1. Provide information and education to older adults, caregivers and stakeholders to raise awareness about elder abuse

Timeline: 10/01/2022 to 09/30/2025

Activities

1. MMAP, the Long Term Care Ombudsman and other agency staff will collaborate with Adult Protective Services, legal assistance programs, the federal Administration on Community Living (ACL), the Michigan Department of Health & Human Services, and other community organizations to raise awareness and prevent elder abuse.
2. Participate as presenters and an information resource at health fairs, senior fairs, legislative town halls and public outreach events to raise awareness of elder abuse issues, especially abuse related to financial exploitation.

Expected Outcome

Older adults, caregivers and stakeholders in PSA 1C will have an increased awareness about elder abuse and exploitation.

2. Advocate at the state and federal levels for the rights of older adults.

Timeline: 10/01/2022 to 09/30/2025

Activities

1. TSA will include advocacy for stronger elder abuse laws in its Annual Advocacy Platform.
2. TSA will engage its advocacy network to advocate at the state and federal officials on legislation impacting elder justice and the rights of older adults.

Expected Outcome

Awareness of the importance of protecting older adults from various types of abuse and exploitation will be increased among elected officials.

3. The Long Term Care Ombudsman will work to increase coordinated and collaborative approaches to assisting older adults and their caregivers understand long-term care.

Timeline: 10/01/2022 to 09/30/2025

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Activities

1. The Long Term Care Ombudsman (LTCO) will pursue a person-centered, multi-disciplinary team care planning approach involving all disciplines related to resident care services, including outside clinical services.
2. The LTCO will distribute written materials to family councils regarding resolving concerns.
3. The LTCO will provide and participate in community educational programs.
4. The LTCO will maintain relationships and open communication with the Medicare/Medicaid Assistance Program, state Adult Protective Services, the Michigan Department of Human Services, legal services providers, MPRO, the state Bureau of Child and Adult licensing, the state Attorney General's Health Care Fraud Unit, and other relevant community organizations.

Expected Outcome

Information about long term care and the prevention of elder abuse will be communicated to partner organizations and throughout PSA 1C. The LTCO will establish relationships with key stakeholders and state agencies to quickly report elder abuse and exploitation.

D. Conduct responsible quality management and coordination of the vendor network in PSA 1C.

State Goal Match: 3

Narrative

TSA will continue to monitor the quality of providers in our Vendor Network. New vendors applying to become part of the vendor network are initially credentialed by completing an application. Once part of the network, Vendors are re-credentialed through the same application process every 3 years in order to maintain compliance with all standards. TSA continually monitors certain compliance requirements that are considered high risk on an ongoing basis, such as insurance documentation and licenses, to ensure that Vendors are keeping these documentation active. TSA also conducts programmatic and fiscal assessments for all vendors at least once every 3 years. Some Vendors may be monitored more frequently, based on risk factors such as the number of TSA participants that they serve, the amount of complaints received from participants, and if they have had compliance issues on past assessments. Vendors receive feedback from TSA based on their performance during the assessment, and can be given Corrective Action Plans in order to correct any deficiencies discovered during their assessment. Based on the results of the assessment, TSA may take additional action which can include taking back funds for billed services that do not have support documentation, being placed on a probationary status, and/or contract termination.

Objectives

1. identify any compliance issues that vendors may have as quickly as possible.

Timeline: 10/01/2022 to 09/30/2025

Activities

1. Monitor high risk compliance items, including insurance and licensure requirements, on a regular basis.
2. Engage vendors who exhibit compliance issues outside of the assessment, and require those vendors to submit Corrective Action Plans to confirm that improvements have been made.

Expected Outcome

TSA will be able to correct compliance issues that arise in a timely manner.

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2. Secure a reliable and substantial network of vendors that are compliant with ACLS, MDHHS, and TSA standards, while ensuring all participants are receiving services.

Timeline: 10/01/2022 to 09/30/2025

Activities

1. Complete fiscal and programmatic assessments for 100% of POS vendors over a 3 year period.

Expected Outcome

TSA will be able to maintain an active network of vendors that will provide quality services to participants.

E. Improve the Accessibility of Services to Michigan's Communities and People of Color, Immigrants and LGBTQ+ Individuals.

State Goal Match: 5

Narrative

The 2020 United States Census identified 28.61% of PSA 1C's population was comprised of minorities. The black population accounted for 14.66% of the overall population.

The Senior Alliance (TSA) will work with key organizations, our vendor network, staff, Board of Directors, Advisory Council and other stakeholders to engage voices from BIPOC, individuals with limited English proficiency and Lesbian, Gay, Bi-Sexual, Transgender and Queer (LGBTQ) older adults. The inclusion of perspectives from all parts of our PSA's in our assessment of needs and decision making processes is a goal our agency will continue to pursue. Internally, TSA will establish a Diversity, Equity and Inclusion (DEI) Team to aid in the development of outreach strategies, education and trainings.

Objectives

1. Increase resources access for Black, Indigenous and People of Color, and Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ+) older adults in PSA 1C.

Timeline: 10/01/2022 to 09/30/2025

Activities

1. Identify BIPOC and LGBTQ+ older adult organizations in PSA 1C.
2. Outreach to BIPOC and LGBTQ+ older adults utilizing social media, presentations and collaboration with community organizations.
3. Specifically collaborate with organizations in the Arab-American and Hispanic community (Targeted Communities) to conduct outreach.

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Expected Outcome

An increase in awareness and utilization of resources, programs and services for immigrants, LGBTQ+ people and communities of color

2. Increase the number of AAA staff, contracted providers, and caregivers trained in implicit bias, cultural competencies and root causes.

Timeline: 10/01/2022 to 09/30/2025

Activities

1. Provide annual training and education on implicit bias, cultural competencies and root causes to the agency's vendor network.
2. Contractors will be required to complete outreach plans for engaging communities of color, immigrants and LGBTQ+ individuals with resources.
3. Provide routine training and education on implicit bias, cultural competencies and root causes to TSA staff, including sessions on the Arab-American and Hispanic community.
4. Make training and education materials available to caregivers on implicit bias, cultural competencies and root causes of racism.
5. Add additional Board of Director and Advisory Council members who represent BIPOC, LGBTQ+, minority and targeted communities.

Expected Outcome

An increase in awareness and utilization of resources, programs and services for immigrants, LGBTQ+ people and communities of color

3. Provide linguistic translation services and communication based on cultural needs with PSA 1C.

Timeline: 10/01/2022 to 09/30/2025

Activities

1. I&A, MMAP and the LTCO will maintain resources for linguistic translation on an as needed basis.
2. The agency will provide Spanish and Arabic translations for many of the outreach materials utilized.

Expected Outcome

An increase in awareness and utilization of resources, programs and services for immigrants, LGBTQ+ people and communities of color

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Supplemental Documents

The Supplemental Documents listed below must be included if marked "Required" or if they are applicable to your area agency. Fillable copies of documents A through F can be found in the list on the left below. Select the applicable document(s) from the list and provide all requested information for each. Note that older versions of these documents will not be accepted and should not be uploaded as separate documents.

Membership Documents

- A. Policy Board Membership - *Required***
- B. Advisory Council Membership - *Required***

Documents Requiring Special Approval by the CSA

- C. Proposal Selection Criteria - *only include if there are new or changed criteria for selecting providers.***
- D. Cash-In-Lieu-Of-Commodity Agreement - *only include if applicable***
- E. Waiver of Minimum Percentage of a Priority Service Category - *only include if the area agency is requesting to use local resources to meet part of the minimum required expenditure for a priority service category***
- F. Request to Transfer Funds - *only include if applicable***

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SUPPLEMENTAL DOCUMENT A

Board of Directors Membership

	Asian/Pacific Islander	African American	Native American/ Alaskan	Hispanic Origin	Persons with Disabilities	Female	Total Membership
Membership Demographics	1	3	0	0	1	6	13
Aged 60 and Over	1	0	0	0	0	2	6

Board Member Name	Geographic Area	Affiliation	Membership Status
Kellie Boyd	Brownstown		Community Representative
Kathleen McIntyre	Livonia		Elected Official
Roger L. Myers	Canton		Appointed
Dr. Syed S. Taj, M.D.	Canton		Community Representative
Dr. William C. Jackson	Van Buren Township		Appointed
Dr. Tom Jankowski	Canton		Appointed
David Ippel	Dearborn Heights		Appointed
Frank Vaslo	Lincoln Park		Community Representative
Michael Harris	Westland		Appointed
Ann Hatley	Wyandotte		Appointed
Dr. Vicki Ashker	Dearborn Heights		Community Representative
Ayana King	Wyandotte		Community Representative
Dr. Denise Brothers	Livonia		Appointed

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SUPPLEMENTAL DOCUMENT B

Advisory Board Membership

	Asian/ Pacific Islander	African American	Native American/A laskan	Hispanic Origin	Persons with Disabilities	Female	Total Membership
Membership Demographics	0	2	0	0	0	12	15
Aged 60 and Over	0	0	0	0	0	0	0

Board Member Name	Geographic Area	Affiliation
Dr. Denise Brothers	Livonia	Madonna University
Joan Siavrakas	Wayne	Wayne County Senior Services
Rosemarie Shim	Canton	
Ann Andrews	Plymouth	National Kidney Foundation of MI
Jean Barnas	Livonia	Alzheimer's Association of MI
Carolyn Marengere	Southgate	
Christine Meath	Canton	
Thomas J. Jankowski	Westland	
Marti Coplai	Livonia	Angela Hospice
Tim Cokley	Westland	
Sandy Bonavero	Westland	
Jack Bird	Canton	
Dianne Neihengen	Canton	
Susan Rowe	Wayne	
Amne Darwish-Talab	Dearborn	ACCESS

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SUPPLEMENTAL DOCUMENT C
Proposal Selection Criteria

Date criteria approved by Area Agency on Aging Board:	06/23/2022
Outline new or changed criteria that will be used to select providers: n/a	

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SUPPLEMENTAL DOCUMENT D

**Agreement for Receipt of Supplemental Cash-In-Lieu of Commodity Payments for the
Nutrition Program for the Elderly**

The above identified agency, (hereinafter referred to as the GRANTEE), under contract with the Aging and Adult Services Agency (AASA), affirms that its contractor(s) have secured local funding for additional meals for senior citizens which is not included in the current fiscal year (see above) application and contract as approved by the GRANTEE.

Estimated number of meals these funds will be used to produce is:

616,815

These meals are administered by the contractor(s) as part of the Nutrition Program for the Elderly, and the meals served are in compliance with all State and Federal requirements applicable to Title III, Part C of the Older Americans Act of 1965, as amended.

Therefore, the GRANTEE agrees to report monthly on a separate AASA Financial Status Report the number of meals served utilizing the local funds, and in consideration of these meals will receive separate reimbursement at the authorized per meal level cash-in-lieu of United States Department of Agriculture commodities, to the extent that these funds are available to AASA.

The GRANTEE also affirms that the cash-in-lieu reimbursement will be used exclusively to purchase domestic agricultural products, and will provide separate accounting for receipt of these funds.

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Scope of Services

The COVID pandemic has highlighted the importance of the aging service network. People over age 65 comprised 75 percent of COVID deaths in the US, or one in 100 people in that age group by the end of 2021. Fear of contracting the virus has caused long-term social isolation, resulting in serious physical and emotional health effects. The growing availability of supports delivered remotely has been of great assistance. Maintaining adequate services for those who are homebound and their caregivers will continue to be essential. Burdens on family caregivers have increased due to the closure of some in-person services because of the pandemic as well as because of the direct care worker shortage.

Most people with dementia live at home, supported by family and friends. Evidence-based interventions are effective methods for supporting both the person living with dementia and their caregivers. Aging service providers can provide services and support to maintain independence with referrals to healthcare professionals as appropriate.

Though we have long known that racial and ethnic minorities, the LGBTQ+ community and other disadvantaged groups have higher rates of disease and early death, the factors that lead to discrimination have not been fully explored. Growing determination to address diversity, equity and inclusion are leading us to look holistically at discrimination concerns with an eye toward eliminating disparities and micro-aggressions.

Constantly changing service demand challenges make it essential that the area agency carefully evaluate the potential, priority, targeted, and unmet needs of its service population(s) to form the basis for an effective PSA Scope of Services and Planned Services Array strategy. Provide a response to the following service population evaluation questions to document service population(s) needs as a basis for the area agency's strategy for its regional Scope of Services.

1. Describe key changes and current demographic trends since the last MYP to provide a picture of the potentially eligible service population using census, elder-economic indexes or other relevant sources of information.

According to the 2019 American Community Survey, individuals aged 60 and older make up 22.69% of the 1C Region's population, with 239,445 older adults living in planning and service area 1C (PSA 1C).

According to the 2019 American Community Survey, the minority population in Region 1C totals 28.61%. The largest non-white older adult populations in Region 1C are Black or African-American (14.66%), and Hispanic/Latino (6.09%), and Asian, (4.35%).

The 2019 American Community Survey reveals that 9.01% of people residing in Region 1C are over the age 60 and live below the poverty line.

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2. Describe identified eligible service population(s) characteristics in terms of identified needs, conditions, health care coverage, preferences, trends, etc. Include older persons as well as caregivers and persons with disabilities in your discussion.

TSA conducted our Annual Input Survey for the 2023-25 Multi-Year Plan. This survey was distributed to our Home Delivered Meals clients, Friendly Reassurance Participants, local senior centers, local senior housing, board of directors, and advisory council members. It was also available to take on our website and outreach conducted through social media platforms. This survey was completely optional, anonymous, and participants could answer any questions they felt comfortable answering, along with providing any feedback that may be useful to us.

This survey identified some key priorities and needs in region 1C. The survey indicated that many older adults in our region value our Medicare Medicaid Assistance program (MMAAP), Information & Assistance program, and Nutrition programs.

Approximately 92% of the participants who completed the survey were over the age of 60, with 47% of those having a chronic condition such as diabetes, cancer, or chronic pain. Many also reported in having vision and brain health issues. 32% were between the ages of 60-69, 37% were between the ages of 70-79, and 21% were between the ages of 80-89. 75% of the survey participants were female, 23% were male, and 1% was not explicitly stated or they preferred not to say.

Our most survey responses came from Westland, Livonia, and Wayne. With online response and our Home Delivered Meals clients being the highest feedback responses.

The survey results indicate that many older adults in our region are experiencing loneliness and isolation due to the COVID-19 pandemic. With 51% saying they felt more isolated than they did before the pandemic, 47% saying they felt lonelier, 43% saying they feel nervous, on-edge, or anxious more than they did before the pandemic. Through these results we saw an increase in the number of participants with internet in their home (70%) along with the rise of using Telehealth (46%).

70% reported that they have access to internet in their home via cell phones, with 27% saying they did not. Although the percentage of those with internet was high, the amount of those who used emails was split, 33% saying they used email everyday and 28% saying they do not have an email account.

Almost 42%, said they prefer postal mail when receiving information about our programs. The results indicated that many prefer to get information about new and events in their community through television (65%) and family/friends (40%).

Results from the survey indicated that many are not confident in knowing where to turn to find information on TSA, with 61% saying they are somewhat confident and 20% saying not at all. Of those who are confident (17%), they know our programs through our staff, social media, senior centers, etc.

The survey indicated that our top most useful programs were food services (65%), MMAAP (65%), and I & A (64%).

In the survey, we included a specific question on the effects of COVID-19. When asked about the help they

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have or not have received, 53% said that their family or friends do not help them as much as they did pre-pandemic but 53% said that they do call them more than they use to. 51% of survey participants said they felt more isolated since the pandemic began and 46% have experienced loneliness. 89% stated that they received the COVID-19 vaccine and 78% received a booster shot. We asked whether or not they feel "nervous, anxious, or on-edge" more than pre-pandemic, with a 50% saying they agreed.

3. Describe the area agency's Targeting Strategy (eligible persons with greatest social and/or economic need with particular attention to low-income minority individuals) for the MYP cycle including planned outreach efforts with underserved populations and indicate how specific targeting expectations are developed for service contracts.

TSA's Board of Directors traditionally selects municipalities in our service area to be targeted for service and program opportunities during the three-year MYP cycle. Typically, these targeted communities are dense with individuals that have multiple barriers that may negatively impact their lifestyle choices and options. With targeting, we are making those residents aware of certain programs and services that are available through TSA.

In 2022 our Board of Directors and Advisory Council created a Targeted Communities Task Force to select our targeted communities for the 2023-2025 MYP. By using United States Census data and input survey results, this task force was able to examine various combinations of factors that may influence a community's need for TSA program and services such as age, poverty levels, disability, veteran status, and race and ethnicity.

TSA's Board of Directors has selected the Arab-American and Hispanic communities to target for the MYP 2023-25 cycle.

4. Describe the agency's past practices, current activities and plans for addressing the needs of people living with dementia and their caregivers.

Two supports coordinators are trained and certified in TCARE, an evidence-based solution to help prevent family caregiver burnout. Both staff enroll caregivers into the program and provide supportive services and caregiving resources, including Caregiver Help booklets. There is a specific focus on assisting those caring for persons with Alzheimer's and other related dementias.

An "Aging In Place" tool kit was distributed to support coordinators and caseworkers to assist them in caring for those affected by Alzheimer's and other dementias. TSA's support coordinators and caseworkers were trained on the tool kit by management. TSA plans to distribute this toolkit.

TSA's Board has also approved Older Americans Act funding for a new caregiver workshop focusing on dementia offered by the Alzheimer's Association. This workshop will also be offered for the Arab-American community, lead by an Arabic speaker.

5. When a customer desires services not funded under the MYP or available where they live, describe the options the area agency offers.

Our Information & Assistance (I&A) team members will connect them with resources, services and programs from other organizations that may be able to assist them. The I&A team does include staff that maintains updated resources provided by other organizations and agencies. If we are contacted by someone from outside

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of 1C's PSA, our I&A team will connect them with the appropriate AAA.

Data is also collected to better understand unmet needs that can be considered for potential future funding.

6. Describe the area agency's priorities for addressing identified unmet needs within the PSA for FY 2020-2022 MYP.

A Regional Service Definition is being requested in this MYP for Gap Filling Services. This will give TSA some flexibility in our ability to quickly respond to urgent unmet needs that we find occurring in PSA 1C – especially in situations where individual's ability to live in the community cannot be addressed by other programs or services.

TSA will also continue to advocate for a senior millage in Wayne County that could provide funding to address identified unmet needs.

7. Where program resources are insufficient to meet the demand for services, reference how your service system plans to prioritize clients waiting to receive services, based on social, functional and economic needs.

TSA has increased staffing in the Case Coordination & Support program to reduce the wait list and serve more participants.

TSA advocates in partnership with Silver Key Coalition for an increase to the in-home and nutrition services line items within the Michigan Department of Health & Human Services budget for Fiscal Year 2023. This funding will continue to progress toward the goal of making Michigan a "no-wait state". While our service area does not currently have a wait list for nutrition services, a long wait list exists for MDHHS allocated in-home services.

The Targeted Communities designation also give priority to specific populations in our PSA when a resource, service or program might be limited. An example of this is the limited number of coupons available through Senior Project Fresh.

8. Summarize the area agency Advisory Council input or recommendations (if any) on service population priorities, unmet needs priorities and strategies to address service needs.

TSA conducted an input session with our Advisory Council on February 14, 2022. During the session our council members noted their insight and changes for the community from their perspective. They noted the following areas of need:

- o minor home repair and basic home needs
- o technology help for seniors
- o connecting the community in new ways
- o transition from COVID to normalcy
- o social isolation
- o caregiver education and training
- o transportation

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Members of the Advisory Council also participated on the Board of Director's Targeted Communities Task Force, which selected the two targeted communities for the 2023-2025 MYP cycle.

9. Summarize how the area agency utilizes information, education, and prevention to help limit and delay penetration of eligible target populations into the service system and maximize judicious use of available funded resources.

Our Information & Assistance and MMAP departments provide information and education to older adults, caregivers, and stakeholders about resources for elder abuse prevention and fraud prevention via outreach efforts.

TSA funds all evidence-based disease prevention programs through a network of contractors to address multiple issues that lead to the utilization of Older Americans Act funded programs.

COVID-19 vaccination outreach was conducted to address the immediate threat to health posed by this coronavirus.

In this MYP we are asking for approval of a Regional Service Definition for our Hearken initiative that addresses behavioral health issues related to loneliness and isolation.

10. Identify the five service categories receiving the most funds and the five service categories with the greatest number of anticipated participants.

Service Categories Receiving Most Funds:

1. Home Delivered Meals
2. Respite Care
3. Care Management
4. Personal Care
5. Information & Assistance

Greatest Number of Participants:

1. Home Delivered Meals
2. Information & Assistance
3. Care Management
4. Case Coordination and Support
5. Outreach

11. Describe the area agency's efforts to ensure diversity, equity, and inclusion, including how the agency ensures that staff at their agency and subcontracting agencies is diverse, equitable, inclusive and knowledgeable of the harms of implicit bias?

TSA staff are trained to understand and meet the changing needs of older adults and individuals living with disabilities to ensure quality, coordinated care, and accessibility of available services throughout PSA 1-C. In FY 2022 TSA has provided all-staff trainings on the topics listed below:

DEI – Unconscious Bias DEI – Civil Discourse

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DEI – Problem Solving and Accountability

TSA has also partnered with SAGE of Metro Detroit to complete LGBTQ+ training for all staff. In addition, some staff are taking the ARC Curriculum which contains the following trainings:

Inclusive Outreach Materials for LGBT Older Adults Inclusive Telephone Conversations with LGBT Older Adults
Serving LGBT Older Adults

Faith and Religion: Navigating Faith Based Challenges LGBT Older Adults in Assisted Living and Long-Term
Care

Social Isolations Among LGBT Older Adults

Inclusive In Person Interactions with LGBT Older Adults Inclusive Intake Forms with LGBT Older Adults Inclusive
Policies for LGBT Older Adults

During the 2023-2025 MYP cycle the agency will pursue a plan of DEI trainings for staff and our vendor network.

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Planned Service Array

Complete the FY 2023-2025 MYP/AIP Planned Service Array form for your PSA. Indicate the appropriate placement for each ACLS Bureau service category and regional service definition. Unless noted otherwise, services are understood to be available PSA-wide.

	Access	In-Home	Community
Provided by Area Agency	• Care Management • Case Coordination and Support • Information and Assistance • Outreach • Transportation	• Medication Management • Friendly Reassurance	• Long-term Care Ombudsman/Advocacy
Participant Private Pay			• Dementia Adult Day Care • Nutrition Counseling • Nutrition Education • Health Screening • Assistance to the Hearing Impaired and Deaf • Home Repair • Vision Services • Counseling Services
Funded by Other Sources	• Hearken - Combating loneliness and social isolation in older adults		• Nutrition Education • Senior Center Operations • Counseling Services • Caregiver Supplemental Services • Caregiver Education, Support and Training
Contracted by Area Agency	• Transportation	• Home Care Assistance • Homemaking • Home Delivered Meals • Home Health Aide • Personal Care • Assistive Devices & Technologies • Respite Care	• Adult Day Services • Congregate Meals • Disease Prevention/Health Promotion • Senior Center Staffing • Programs for Prevention of Elder Abuse, Neglect, and Exploitation • Kinship Support Services • Caregiver Education, Support and Training

* Not PSA-wide

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Planned Service Array Narrative

Describe the area agency's rationale/strategy for selecting the services funded under the MYP/AIP in contrast to services funded by other resources within the PSA, especially for services not available PSA-wide.

Instructions

Use the provided text box to present the Planned Service Array narrative.

The Senior Alliance (TSA) funds the majority of services authorized by the Older Americans Act with state funding because Wayne County does not have a senior millage. TSA does pursue grants and charitable funding, as available.

Nutrition education for home delivered meals, congregate meals, and liquid meals are provided by a Registered Dietician; which is a contracted service with the meal program contractor.

TSA provides financial assistance to support senior center staffing in municipalities which submit bids in the planning service area 1C.

Health screenings are not supported by TSA, but are provided by private entities and are listed in TSA's resource database.

Assistance for the hearing impaired and deaf is a niche service that TSA lists in the resource database. Counseling services are a niche service that TSA does not have the capacity to fill.

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Strategic Planning

Strategic planning is essential to the success of any area agency on aging to carry out its mission, remain viable and capable of being customer sensitive, demonstrate positive outcomes for persons served, and meet programmatic and financial requirements of the ACLS Bureau. Agencies must be proactive in establishing safeguards in case of internet failure, hacking, or other connectivity issues. The increasing frequency of climate-related disruptions make emergency planning a priority.

All area agencies are engaged in some level of strategic planning, especially given the changing and competitive environment that is emerging in the aging and long-term-care services network. Provide responses below to the following strategic planning considerations for the area agency's MYP.

1. Describe your process to analyze your agency's strengths, weaknesses, opportunities and threats.

The Senior Alliance began a strategic planning process facilitated by an outside organization during fiscal year 2020. The conclusion of which was delayed until fiscal year 2021 due to the COVID-19 pandemic. The Senior Alliance's Advisory Council has held a Strengths Weaknesses Opportunities Threats (SWOT) analysis session. Results were shared with TSA staff and the agency's Board of Directors during the planning process.

Strengths identified: knowledge of agency staff, knowledge of community, experience of staff, accessibility, commitment by the agency, passion of staff, agency leadership, awareness of community, no home-delivered meals waitlist, focus on advocacy, agency is fiscally strong and responsible, ability to make resource referrals, one-stop resource, responsive to community needs, proactive on development of services, agency's campus property, internal transportation program and funding support of community transportation, MI Choice Waiver program, and the Medicare Medicaid Assistance Program.

Weaknesses identified: staffing challenges, "best kept secret"/word-of-mouth/no media/no marketing, physical accessibility, ability to conduct external communications, need for continual advocacy due to state legislative term limits, lack of demographic changes due to baby boomers by elected officials and public, various means by which people get information, connection of agency's Board of Directors to the community, budget restrictions for install of ramps and grab bars, relationship with senior centers, ageism by the general population, voices of seniors are silent, reaching isolated population, outreach to hospital social workers, volume of services for targeted communities, no county millage.

Opportunities identified: create speakers bureau to present at senior centers/aarp groups/hospitals/faith community, use new communication methods, senior housing, transportation services, advocacy, funding from foundations, CMS innovations funding, seek county millage, opportunity presented by demographic changes, private pay services.

Threats identified: forced change from MI Choice Waiver to managed long-term services and supports by insurance companies, lack of knowledge/lack of consideration of older adults by young state

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legislators, state legislative term limits, instability in state and federal budgets/funding, cuts to senior programs and senior centers, the "silver tsunami", lack of a workforce, disproportionate gender representation in legislatures.

In fiscal year 2023 the agency will revisit its strategic planning document and conduct additional SWOT sessions with the Board of Directors and Advisory Council to assess the post-pandemic environment.

2. Describe how a potentially greater or lesser future role for the area agency with the Home and Community Based Services (HCBS) Waiver and/or managed health care could impact the organization.

The Community Care Department at TSA has an historic role with Home and Community-Based Services. The MI Choice Waiver program continues to be a key program provided in the planning service area (PSA) 1-C. TSA has demonstrated the capacity to increase enrollment and has been awarded more slots and funding, which has resulted in a small MI Choice Waiver wait list in the PSA 1-C. TSA continues to build the infrastructure to respond to the demands of the program, and has recently scored 3.88 out of a possible 4.0 on clinical audits from the Michigan Department of Health and Human Services (MDHHS). TSA also continues to invest in a cost-sharing arrangement with MDHHS to have an on-site worker to process Medicaid paperwork with the goal of improving the application process and wait times for program participants. TSA considers this partnership with MDHHS to be a best-practice in the field.

The Integrated Care demonstration project, MI Health link, began in TSA's PSA 1-C in April of 2015. This provided a unique opportunity for TSA to contract with managed care organizations to assist with the program roll out and ongoing management. While the demonstration project has experienced many challenges, TSA has proven to be valuable to the Integrated Care Organizations (ICO's) because of our expertise with home and community-based services. Staff involved are social workers and nurses who are experienced with home visits; and provide supports coordination and ongoing monitoring, and have a network of resources to call upon with TSA's Information & Assistance staff. TSA also has a qualified and credentialed vendor network with the capacity to provide the required home and community-based services. TSA has the staffing and experience to monitor those vendors effectively.

TSA expects to continue to work with the ICO's, but anticipates its role may change as this MDHHS initiative progresses toward a D-SNP model. This expansion has enabled the agency to pursue its mission of serving older adults with the goal of continuing to live at home in their community. A greater role for TSA in these two (2) programs allows the agency to interact with more individuals and offers various resources to assist older adults and their caregivers. A lesser role would mean fewer older adults would have access to TSA's services and the decades-long experience in community-based long term supports and services offered by TSA.

3. Describe what the area agency would plan to do if there was a ten percent reduction in funding from the ACLS Bureau.

In the event of a 10% funding cut TSA's Board of Directors and management team would review current services to evaluate the number of individuals served, the degree of unmet need, and the fiscal investment. This evaluation would result in targeted cuts that may include elimination of program(s) that impact fewer individuals or service needs addressed by other agencies.

TSA currently maintains a fund balance at auditor suggested levels, which allows the agency to smoothly

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manage program funding changes through participant attrition rather than abrupt action.

In addition, TSA's entrepreneurial efforts in the area of integrated care in partnership with ICO's offer new services with the hope that excess revenue can be generated in the future to supplement the more traditional program needs of older adults in planning service area.

The majority of the services authorized by the Older Americans Act available in TSA's PSA 1-C are supplemented by state funding because Wayne County does not have a senior millage . TSA will continue to pursue grants and charitable funding, to further identify other available resources as part of an overall strategy to leverage existing partnerships and those with future potential. Active contribution seeking activities will continue to position the agency to avoid significant service disruption if a reduction in funding occurs. Waiting lists for programs and services that may not have been instituted previously may also occur .

4. Describe what direction the area agency is planning to go in the future with respect to pursuing, achieving or maintaining accreditation(s) such as National Center for Quality Assurance (NCQA), Commission on Accreditation of Rehabilitation Facilities (CARF), Joint Commission on Accreditation of Hospitals (JCAH), or other accrediting body, or pursuing additional accreditations

TSA was awarded another three-year accreditation by the National Committee for Quality Assurance in Case Management-Long-Term Services and Supports for MI Choice Waiver in 2020. This three-year accreditation shows TSA's commitment to continuous quality improvement, solicitation of feedback, and serving the community. NCQA accreditation is recognized by Integrated Care Organizations (ICO's) and helps position TSA to work with them on MI Health Link and future opportunities. TSA plans to continue this accreditation by re-applying in 2023.

5. Describe in what ways the area agency is planning to use technology to support efficient operations, effective service delivery and performance, and quality improvement.

The Information & Assistance (I&A) department utilizes a cloud-based database solution, iCarol. This Information and Referral software allows for database records to be more easily monitored for quality assurance purposes. iCarol reports are pulled on a monthly basis to assess call volume and accuracy. I&A phone calls are randomly selected and reviewed with each I&A Specialist, as a quality and training exercise. Requests for agency resource updates can be processed directly through the iCarol system ensuring the I&A Specialists are providing the most up-to-date information about resources. I&A Specialists have the option to send resources to callers by email putting resources in the hands of those who need them faster.

The TSA community transportation department has upgraded from an Access database built in-house to cloud-based NEMT dispatch software, RoutingBox. This has led to more accurate reporting and better utilization of the TSA owned vehicles. In addition, each driver has a TSA owned iPhone to allow them to access the companion RoutingBox app. The dispatcher is able to pinpoint the exact location of each vehicle which keeps drivers and clients safer. More efficient routing will lead to more clients being served.

TSA staff have been equipped with cell phone to enable the remote and field-based work environments. Computer hardware will be completely shifted to a laptop/docking station set-up which empowers staff to work in a hybrid work environment.

The use of Microsoft Teams has greatly enhanced internal communication in the hybrid environment. The

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ability to jointly work on document and collaborate has been a significant leap forward in productivity.

TSA continues to use SurveyMonkey to receive and tabulate input from the community.

TSA will continue to partner with RedLevel to maintain current and innovative information technology services in the hybrid workplace environment.

TSA utilizes quality assurance reports generated through the COMPASS software; a quality indicator report is run quarterly. This report pulls health and welfare data from completed assessments to identify quality improvement areas such as hospital admissions within 90 days of prior admission, percentage of participants experiencing pain, and those who desire an increase in community inclusion/socialization.

Reports are analyzed quarterly and actions are taken to improve participant health and welfare quality. Annual Quality Management Plan is submitted to Michigan Department of Health and Human Services (MDHHS) that addresses quality assurance and improvements.

TSA maintains a user-friendly website updated information about programs, resources, advocacy and upcoming events. TSA continues to build a social media presence through Facebook posts, events, polls, and sponsored ads. The agency's Twitter account is also used to support advocacy efforts and resource awareness.

Our MMAP team has transitioned to a community-based model to meet our residents where they are. A regular schedule of monthly "office hours" will be set so the program is present on fixed dates at senior centers and public locations throughout the PSA. In fiscal year 2023 additional locations will be added to the existing sites in Dearborn, River Rouge, Livonia and Taylor.

6. Describe your agency's emergency planning system, how planning is updated and whether back-up systems are adequate to maintain services during potential disruptions.

TSA's information technology partner maintains back-up systems for electronic program data. The information technology related aspects of emergency management are discussed in the regularly scheduled meetings with our vendor, Red Level. The agency's data analyst and information technology vendor are positioned to produce data sets that would be needed in the case of an emergency. Historically these data sets have included MI Choice and home-delivered meal participants. The agency also maintains a current list of staff contacts in case ACLS/MDHHS reaches out during an emergency.

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Advocacy Strategy

Describe the area agency's comprehensive advocacy strategy for FY 2023-2025. Describe how the area agency's advocacy efforts will improve the quality of life of older adults within the PSA. Also give an update on current advocacy efforts. See *Operating Standards for Area Agencies on Aging* section C-6.

Include initiatives, if any, the area agency is pursuing regarding recruitment, training, wages, diversity and inclusion, credentialing, etc. related to the direct care workforce shortage. Also identify area agency best or promising practices, if any, that could possibly be used in other areas of the state. Enter your advocacy strategy in the dialogue box.

Advocacy Platform - Each year The Senior Alliance's (TSA's) Board of Directors approves an Advocacy Platform focusing on issues important to older adults at the state and federal levels of government. By addressing issues contained in the platform TSA will impact quality of life by giving voice to the range of issues impacting older adults and their caregivers, including increased program appropriations, a modernized Older Americans Act and stronger laws on elder abuse/fraud.

Advisory Council – TSA's Advisory Council membership will advocate on behalf of older adults by supporting the agency's Advocacy Platform, participating in Older Michiganians Day and contacting elected officials through agency-issued Advocacy Action Alerts. Advocacy Updates will be provided by staff at each regular meeting of the Advisory Council.

Board of Directors - TSA's Board of Directors will advocate on behalf of older adults by approving and supporting the agency's Advocacy Platform, participating in Older Michiganians Day and contacting elected officials through agency-issued Advocacy Action Alerts. Advocacy Updates will be provided by staff at each regular meeting of the Board of Directors. The Board may also approve advocacy positions on specific bills or issues, considering input from the Advisory Council and TSA staff.

Community Focal Points - TSA will provide information to the planning service area (PSA) 1-C's community focal points, including the senior center network, empowering them to advocate on issues of interest.

Engaging Municipal Elected Officials - The Chief Executive Officer and management team will maintain an open-door policy for officials from the 34 municipalities within PSA 1C to discuss issues and opportunities affecting older adults and individuals living with disabilities in their community. Staff will attempt to meet with each municipal legislative body or chief elected official (mayor or township supervisor) at least twice during the Multi-Year Plan cycle. The monthly advocacy newsletter, *Colloquy*, and Advocacy Action Alerts will be electronically distributed to the Chief Elected Official in each municipality.

State & Federal Government Advocacy – TSA staff will meet on at-least an annual basis with members of Congress and state legislators or their designated staff, who represent the PSA 1-C. Relevant advocacy briefs developed by the Aging and Adult Services Agency, USAging, the Area Agencies on Aging Association of Michigan, and the Silver Key Coalition, will be provided to these officials. The monthly advocacy newsletter, *Colloquy*, will be electronically distributed to each elected official.

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Senior Millage in Wayne County - TSA will seek partnerships with interested stakeholders to advocate for a county-wide senior millage that would support an array of services benefiting older adults.

Eliminate Wait Lists for In-Home Services - The Senior Alliance will prioritize working with the Silver Key Coalition and the Area Agency on Aging Association of Michigan to advocate for increases to the in-home and nutrition services line items in the state budget for the Department of Health & Human Services. This effort is focused on continuing progress toward the goal of making Michigan a "no-wait state" for non-Medicaid in-home services.

Reauthorization of the Older Americans Act - The Senior Alliance will advocate to strengthen and modernization of the Older Americans Act (OAA) as reauthorization is debated before the legislation's 20225 expiration. The OAA is the foundation of our nation's aging policy and the touchstone for the aging services network.

Develop Outreach, Information and Services for Underserved Populations - In pursuit of our mission, The Senior Alliance will advocate for policies and appropriations to expand outreach, resource information and services to underserved populations, including low-income, racial and ethnic minorities, immigrants, refugees, isolated individuals and those identifying as LGBTQ+.

Advocacy Outreach – TSA will allocate time for a staff member to engage in and pursue advocacy activities on behalf of older adults. A monthly advocacy newsletter, Colloquy, was initiated in July 2020 and continue during the 2023-2025 Multi-Year Plan cycle. Advocacy Action Alerts will be produced and distributed as events warrant.

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Leveraged Partnerships

Describe the area agency's strategy for FY 2023-2025 to partner with providers of services funded by other resources, as indicated in the PSA Planned Service Array.

- 1. Include, at a minimum, plans to leverage resources with organizations in the following categories:**
 - a. Commissions Councils and Departments on Aging.**
 - b. Health Care Organizations/Systems (e.g. hospitals, health plans, Federally Qualified Health Centers)**
 - c. Public Health.**
 - d. Mental Health.**
 - e. Community Action Agencies.**
 - f. Centers for Independent Living.**
 - g. Other**

The Senior Alliance (TSA) works with Integrated Care Organizations to assist with delivering person centered care and long term supports and services for those enrolled in the MI Health Link Demonstration Project. TSA continuously works in collaboration to meet program participant needs, wishes, and preferences.

TSA focuses Evidence Based Disease Prevention workshop funding to contractors providing falls prevention , exercise classes and diabetes education.

TSA attends statewide meetings that includes CIL's, MI Choice Waiver agents, and Michigan Department of Health and Human Services staff. TSA works locally with the Disability Network of Wayne County (DNWC) to coordinate nursing facility transitions and collaboratively provide outreach to local nursing facilities to educate on the program.

The Harken program has formed partnerships with behavioral health organizations including Hegira Health and The Guidance Center to provide warm hand-offs and connect program participants to available services as appropriate.

beginning in FY 2023 TSA will conduct an annual meeting of the Faith-Based Community in our services area to share information on available resources and as one way to receive input on the state of older adults in the community.

- 2. Describe the area agency's strategy for developing, sustaining, and building capacity for Evidence-Based Disease Prevention (EBDP) programs including the area agency's provider network EBDP capacity.**

TSA will continue to leverage partnerships with our contracted community-based providers to focus on preventative, health promotion, and self-management services. In fiscal years 2023-2025 TSA's contracted vendors will focus on making EBDP workshops available to our targeted communities.

- 3. Describe the agency's strategy for developing non-formula resources and use of volunteers to support implementation of the MYP and increased service demand.**

The Senior Alliance will continue to apply for grants and or external resources to support services and

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programs . Opportunities that improve health outcomes and aid long-term services and supports will be sought. Fundraising for the holiday meals program, which operates on Easter, Thanksgiving and Christmas, will be a continued focus. TSA also remains an advocate for a senior millage to be placed before voters by the Wayne County Commission.

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Community Focal Points

Community Focal Points are visible and accessible points within communities where participants learn about and gain access to available services. Community Focal Points are defined by region. Please review and update the listing of Community Focal Points for your PSA below and edit, make corrections and/or update as necessary. Please specifically note if updates have been made.

Describe the rationale and method used to assess the ability to be a community focal point, including the definition of community. Explain the process by which community focal points are selected.

A community is defined as, "an area of service that is comprised of, but not limited to, the jurisdictional boundaries or a municipality. This area of service for the aging includes factors, such as: the location of municipal offices, supportive services, health care facilities, commercial and recreational centers, education institutions, and ethnic and religious centers".

The Senior Alliance's (TSA's) rationale for Community Focal Points (CFP's) is to ensure organizations provide an integral link between older adults and available services capable of meeting the individual's needs.

To be TSA's CFP, an organization must:

1. Complete the CFP application packet:
 1. Applications will be reviewed by a member of TSA's management team.
 1. The Information & Assistance Manager will confirm that the agency's resource database profile is up to date and provide information, as needed, to verify CFP criteria.
1. Following an initial on-site visit, recommendations from TSA's management will be given to TSA's Advisory Council:
 1. TSA's Advisory Council will review the recommended CFP's at an open meeting and will make their recommendation to the Board of Directors for approval;
 1. The Board of Directors, whose membership includes members who are approved by local elected officials, approve CFP designation.

TSA has criteria to designate CFP's

1. Ability of the site to meet the service needs of older adults, including direct access to existing I&A and emergency services;
 1. Service availability at least 25 hours a week;
 1. Designated site must be barrier free/handicapped accessible;
 1. Location should be readily accessible for older adults with easy access using public or private transportation;
 1. Potential to accommodate additional services and/or on-site collaboration of services with other providers is strongly encouraged;
 1. Outreach efforts to expand service utilization by all older adults, including: low-income, minority, frail, isolated, and disabled older adults living in the vicinity; services must be directly provided through the facility or program, unless otherwise noted;
 1. Ability to provide and/or make reasonable on-site accommodations for at least seven direct services.

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Current CFP's were established utilizing the new CFP definition, as approved by TSA's Board of Directors in fiscal year 2012.

Recognizing the changing needs in the planning service area (PSA) 1-C, under the direction and support of the Advisory Council, TSA will revise the designation process for local CFP's in fiscal year 2023 to include a broader group of community partners. Updating the existing standards for CFP designation will ensure inclusivity, promote collaborative capacity building, and provide sufficient access to information and services for older adults, individuals living with disabilities, and their caregivers.

Provide the following information for each focal point within the PSA. List all designated community focal points with name, address, telephone number, website, and contact person. This list should also include the services offered, geographic areas served and the approximate number of older persons in those areas. List your Community Focal Points in this format.

Name:	Allen Park-Parks and Recreation
Address:	15800 White Street, Allen Park, MI 48101
Website:	www.cityoffallenpark.org
Telephone Number:	(313) 928-0771
Contact Person:	Carson Smith
Service Boundaries:	City of Allen Park
No. of persons within boundary:	6,374
Services Provided:	A, C, D, E, G, H, I, K, P, Q, R, S, T, U, V

Name:	Brownstown Township
Address:	21313 Telegraph Road, Brownstown Township, MI 48183
Website:	www.brownstown-mi.org
Telephone Number:	(734) 675-0920
Contact Person:	Amy Thomas
Service Boundaries:	Brownstown Township
No. of persons within boundary:	4,796
Services Provided:	A, B, C, E, G, H, I, L, M, N, O, Q, R, S, V

Name:	Canton Senior Adult Programs
Address:	46000 Summit Parkway, Canton, MI 48188
Website:	www.canton-mi.org
Telephone Number:	(734) 394-5485
Contact Person:	
Service Boundaries:	Canton Township
No. of persons within boundary:	13,112
Services Provided:	A, B, C, D, E, F, G, H, I, J, K, L, N, O, P, Q, R, S, T, U, V

Name:	Dearborn Heights - Berwyn Senior Center
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Address: 26155 Richardson, Dearborn Heights, MI 48127
Website: www.ci.dearborn-heights.mi.us/PR_Berw.cfm
Telephone Number: (313) 791-3550
Contact Person: Kim Constan
Service Boundaries: City of Dearborn Heights
No. of persons within boundary: 12,032
Services Provided: A, B, C, E, F, G, H, I, J, K, L, M, O, S, V

Name: Dearborn Heights - Eton Senior Center
Address: 4900 Pardee Avenue, Dearborn Heights, MI 48125
Website: www.ci.dearborn-heights.mi.us/PR_Eton.cfm
Telephone Number: (313) 277-7765
Contact Person: Kristin Rockensuess
Service Boundaries: City of Dearborn Heights
No. of persons within boundary: 12,032
Services Provided: A, B, C, E, F, G, H, I, K, M, N, O, P, S, V

Name: Dearborn Senior Center
Address: 15801 Michigan Avenue, Dearborn, MI 48126
Website: www.cityofdearborn.org
Telephone Number: (313) 943-2401
Contact Person: Teresa Graves
Service Boundaries: City of Dearborn
No. of persons within boundary: 16,205
Services Provided: A, B, C, D, E, F, G, H, I, J, K, L, N, O, P, Q, R, S, T, U, V

Name: Ecorse Senior Center
Address: 4072 West Jefferson, Ecorse, MI 48229
Website: www.city-ecorse.org
Telephone Number: (313) 382-3305
Contact Person: Lucille King
Service Boundaries: City of Ecorse
No. of persons within boundary: 1,669
Services Provided: B, C, F, H, I, O, Q, R, S

Name: Flat Rock Senior Center
Address: 1 Maguire, Flat Rock, MI 48134
Website: www.flatrockmi.org

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Telephone Number: (734) 379-1450
Contact Person: Shelly Pluchino
Service Boundaries: City of Flat Rock
No. of persons within boundary: 1,554
Services Provided: A, D, E, F, G, H, J, L, M, N, O, P, Q, R, S, T U, V

Name: Garden City - Maplewood Senior Center
Address: 31735 Maplewood Boulevard, Garden City, MI 48135
Website: www.gardencitymi.org
Telephone Number: (734) 793-1860
Contact Person: Lisa Watts
Service Boundaries: City of Garden City
No. of persons within boundary: 5,253
Services Provided: B, C, E, F, H, I, J, M, N, O, P, Q, R, S, T, U, V,

Name: Gibraltar Community Center
Address: 29340 South Gibraltar Road, Gibraltar, MI 48173
Website: www.cityofgibraltar.net
Telephone Number: (734) 671-1466
Contact Person: Tamey Gorris
Service Boundaries: City of Gibraltar
No. of persons within boundary: 978
Services Provided: A, B, C, E, H, I, L, K, O, P, R, S, T, U, V

Name: Grosse Ile Township Recreation Department
Address: 25897 Third Street, Grosse Ile Township, MI 48138
Website: www.grosseile.com
Telephone Number: (734) 675-2364
Contact Person: Brandy Boyd
Service Boundaries: Grosse Ile Township
No. of persons within boundary: 2,938
Services Provided: E, I, J, K, L, P, R, S, V

Name: Huron Township Senior Center
Address: 28245 Mineral Springs Road, New Boston, MI 48164
Website: www.hurontownship-mi.gov
Telephone Number: (734) 654-9281
Contact Person: Walt McCurdy

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Service Boundaries: Huron Township
No. of persons within boundary: 1,541
Services Provided: A, B, C, E, F, G, H, I, J, K, L, M, N, O, P, R, S, T, U, V

Name: Inkster Senior Services
Address: 2000 Inkster Road, Inkster, MI 48141
Website: www.cityofinkster.com
Telephone Number: (313) 561-2383
Contact Person: Denise Champagne
Service Boundaries: City of Inkster
No. of persons within boundary: 4,167
Services Provided: B, C, F, H, I, K, L, N, Q, R, S, T, V

Name: Lincoln Park Senior Center
Address: 3240 Ferris, Lincoln Park, MI 48146
Website: www.lincolnparkmi.net
Telephone Number: (313) 386-1817
Contact Person: Don Cook
Service Boundaries: City of Lincoln Park
No. of persons within boundary: 6,259
Services Provided: C, E, F, H, I, K, M, O, Q, R, S, T, U, V

Name: Livonia Civic Park Senior Center
Address: 15218 Farmington Road, Livonia, MI 48154
Website: www.ci.livonia.mi.us
Telephone Number: (734) 466-2555
Contact Person: Karl Peters
Service Boundaries: City of Livonia
No. of persons within boundary: 22,980
Services Provided: A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V

Name: Melvindale Senior Center
Address: 4300 South Dearborn, Melvindale, MI 48122
Website: www.melvindale.org
Telephone Number: (313) 769-2347
Contact Person: Jackie Daniels
Service Boundaries: City of Melvindale
No. of persons within boundary: 1,815
Services Provided: A, B, C, D, E, F, H, I, J, K, L, M, O, P, Q, R, S, T, U, V

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Name: Northville Area Senior Center
Address: 303 West Main Street, Northville, MI 48167
Website: www.northvilleparksandrec.org
Telephone Number: (248) 349-0203
Contact Person: Suzanne Johnson
Service Boundaries: City of Northville/Northville Twp
No. of persons within boundary: 7,524
Services Provided: B, D, E, F, G, H, J, K, L, M, O, P, Q, R, S, T, U, V

Name: Plymouth Community Council on Aging
Address: 9955 North Haggerty Road, Plymouth MI 48170
Website: www.ci.plymouth.mi.us
Telephone Number: (734) 354-3222
Contact Person: Bobbie Pummill
Service Boundaries: City of Plymouth/Plymouth Twp.
No. of persons within boundary: 8,453
Services Provided: A, C, D, E, F, G, H, I, J, K, L, M, O, P, Q, R, S, T, U, V

Name: Redford Senior Department
Address: 12121 Hemingway, Redford Township, MI 48239
Website: www.redfordtwp.com
Telephone Number: (313) 387-2787
Contact Person: Dorothy Morris
Service Boundaries: Redford Township
No. of persons within boundary: 8,054
Services Provided: A, C, D, E, F, G, H, I, J, K, L, N, O, P, Q, R, S, T, U, V

Name: River Rouge Senior Center
Address: 10625 West Jefferson, River Rouge, MI 48218
Website: www.roguerivercc.org
Telephone Number: (313) 842-3360
Contact Person: Olive Roberts
Service Boundaries: City of River Rouge
No. of persons within boundary: 1,266
Services Provided: C, E, G, I, J, K, P, Q, R, T, U, V

Name: Riverview Municipal Building
Address: 14100 Civic Park Drive, Riverview, MI 48193

STATE OF MICHIGAN
Michigan Department of Health & Human Services
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The Senior Alliance, Inc.

FY 2023

Website: www.cityofriverview.com
Telephone Number: (734) 281-4219
Contact Person: Dorothy Withrow
Service Boundaries: City of Riverview
No. of persons within boundary: 3,587
Services Provided: B, C, E, H, I, O, R, S, V

Name: Rockwood Community Center
Address: 32001 Fort Street, Rockwood MI 48173
Website: www.rockwoodmi.org
Telephone Number: (734) 379-5600
Contact Person: Natalya Musick
Service Boundaries: City of Rockwood
No. of persons within boundary: 618
Services Provided: C, H, I, R, U, V

Name: Romulus Senior Center
Address: 36525 Bibbins, Romulus, MI 48174
Website: www.romulusgov.com
Telephone Number: (734) 955-4120
Contact Person: Rose Swidan
Service Boundaries: City of Romulus
No. of persons within boundary: 3,633
Services Provided: A, B, C, E, F, G, H, I, J, K, L, M, N, O, Q, R, S, T, U, V

Name: Southgate Senior Center
Address: 14400 Dix-Toledo Highway, Southgate, MI 48195
Website: www.southgate-mi.org
Telephone Number: (734) 258-3066
Contact Person: Lynn Smith
Service Boundaries: City of Southgate
No. of persons within boundary: 6,654
Services Provided: A, B, C, E, F, G, H, I, J, K, L, N, O, P, Q, R, S, T, U, V

Name: Sumpter Senior Center
Address: 23501 Sumpter Road, Sumpter Township, MI 48111
Website: www.sumptertwp.com
Telephone Number: (734) 461-9373

STATE OF MICHIGAN
Michigan Department of Health & Human Services
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The Senior Alliance, Inc.

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Contact Person: Maryann Watson
Service Boundaries: Sumpter Township
No. of persons within boundary: 1,637
Services Provided: A, C, D, E, G, H, I, J, K, N, O, P, R, S, T, U, V

Name: Taylor-William Ford Senior Center
Address: 6750 Troy, Taylor, MI 48180
Website: www.cityoftaylor.com
Telephone Number: (313) 291-7740

Contact Person: Lori Runkle
Service Boundaries: City of Taylor
No. of persons within boundary: 11,354
Services Provided: B, C, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V

Name: Trenton Senior Center
Address: 2800 Third Street, Trenton, MI 48183
Website: www.trentonmi.org
Telephone Number: (734) 675-0063
Contact Person: Carol Garrison
Service Boundaries: City of Trenton
No. of persons within boundary: 4,842
Services Provided: B, E, G, H, J, K, L, M, O, P, Q, R, S, T, U

Name: Van Buren-September Days Senior Center
Address: 46425 Tyler, Belleville, MI 48111
Website: www.vanburen-mi.org
Telephone Number: (734) 699-8918
Contact Person: Lynette Jordan
Service Boundaries: Van Buren Township/City of Belleville
No. of persons within boundary: 4,200
Services Provided: A, B, C, D, E, F, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V

Name: Westland Friendship Center
Address: 1119 North Newburgh Road, Westland, MI 48185
Website: www.cityofwestland.com
Telephone Number: (734) 722-7628
Contact Person: Barbara Marcum
Service Boundaries: City of Westland

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The Senior Alliance, Inc.

FY 2023

No. of persons within boundary: 15,996
Services Provided: A, B, C, D, G, H, I, K, L, M, O, Q, S, T, U, V

Name: Woodhaven Senior Center
Address: 23101 Hall Road, Woodhaven, MI 48183
Website: www.woodhavenmi.org
Telephone Number: (734) 675-4926
Contact Person: Shelly Clark
Service Boundaries: City of Woodhaven
No. of persons within boundary: 2,583
Services Provided: C, G, H, I, J, L, O, R, S, V

Name: Wyandotte-Copeland Recreation Center
Address: 2306 4th Street, Wyandotte, MI 48192
Website: www.wyandotte.net
Telephone Number: (734) 324-7275
Contact Person: Joanne Lanagan
Service Boundaries: City of Wyandotte
No. of persons within boundary: 5,029
Services Provided: A, C, E, F, G, H, I, O, Q, R, S, V

STATE OF MICHIGAN
Michigan Department of Health & Human Services
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The Senior Alliance, Inc.

FY 2023

Other Grants and Initiatives

Use this section to identify other grants and/or initiatives that your area agency is participating in with the ACLS Bureau and/or other partners. Grants and/or initiatives to be included in this section may include, but are not limited to:

- Tailored Caregiver and Referral® (TCARE)
- Creating Confident Caregivers® (CCC)
- Evidence Based Disease Prevention (EBDP) Programs (see Doc Library for listing)
- Building Training...Building Quality (BTBQ)
- Powerful Tools for Caregivers®
- PREVNT Grant and other programs for prevention of elder abuse
- Programs supporting persons with dementia (such as Developing Dementia Dexterity and Dementia Friends)
- Medicare Medicaid Assistance Program (MMAP)
- MI Health Link (MHL)
- Respite Education & Support Tools (REST)
- Care Transitions Project

1. Briefly describe other grants and/or initiatives the area agency is participating in with ACLS Bureau or other partners.

The Senior Alliance plans to use a minimal amount of American Rescue Plan Act (ARPA) funds in fiscal year 2022. Nearly all of the funding will be carried over and utilized in fiscal years 2023 and 2024. We are in a planning phase to determine the best utilization of the ARPA money in fiscal years 2023 and 2024. We have no plans to purchase any single equipment item valued at \$5,000 or more.

The Senior Alliance transitioned to a remote work environment in March 2020. At that time significant investments were made in equipment and supplies to facilitate this transition. Most of this equipment and supplies expense was funded out of pandemic response awards received. ARPA funds are being considered for program support and singular cost supply items like headsets, phones, web cameras, monitors, laptops, portable scanners, additional PPE. Some of these purchases may replace currently deployed equipment that is aging. We are also looking into additional software licenses for our information technology inventory that will enhance our electronic file sharing capabilities.

The Senior Alliance continues, as a contractor, to provide services with Integrated Care Organizations (ICOs) to managed long-term services and supports under the MI Health Link demonstration project.

The Senior Alliance (TSA) and the Medicare Medicaid Assistance Program (MMAP) work closely together to address needs in the community for understanding of benefit options. TSA and MMAP collaborate on outreach activities as people utilizing each service can typically benefit from information from the other.

The Senior Alliance continues to have two TCARE leaders on staff.

The Senior Alliance will continue to fund contractors to provide PATH, Tai Chi, Enhanced Fitness, Diabetes

STATE OF MICHIGAN
Michigan Department of Health & Human Services
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Prevention Program and Matter of Balance in PSA 1C.

The Senior Alliance actively seeks new and innovative revenue opportunities to maintain high quality standards for service delivery to older adults, individuals living with disabilities, and caregivers. TSA will continue to explore partnerships and grant opportunities, like the MHEF, to address social determinants of health and other innovations to aid older adults age-in-place during fiscal years 2023-2025.

2. Briefly describe how these grants and other initiatives will improve the quality of life of older adults within the PSA.

By collaborating on projects like MI Health Link and Hearken, TSA fulfills our mission of empowering older adults to live with dignity in the community that they choose by providing available services. by empowering older adults and their caregivers. TSA encourages individuals to become engaged members of their healthcare team, therefore improving their health and wellness.

3. Briefly describe how these other grants and initiatives reinforce the area agency's planned program development efforts for FY 2023-2025.

Grants and initiatives that support successful aging in place provide an opportunity for community members to address their aging related concerns.

ACCESS AND SERVICE COORDINATION CONTINUUM

It is essential that each PSA have an effective access and service coordination continuum. This helps participants to get the right service mix and maximizes the use of limited public funding to serve as many persons as possible in a quality way.

Instructions

The Access and Service Coordination Continuum is found in the Documents Library as a fillable pdf file. (A completed sample is also accessible there). Please enter specific information in each of the boxes below that describes the range of access and service coordination programs in the area agency PSA.

	Least Intensive			Most Intensive	
	Level 1	Level 2	Level 3	Level 4	Level 5
Program	Information & Assistance	Case Coordination and Support	Care Management/Targeted Case Management		Care Management
<i>Participants</i>	All persons inquiring about general information, services and resources for those over the age of 60.	Individuals eligible (per AASA guidelines and standards) for on-going in-home services or respite who do not meet Nursing Facility Level of Care	Individuals that meet the Nursing Facility Level of Care and are eligible (per AASA guidelines and standards) for ongoing in home or respite services		
<i>What is Provided?</i>	*Basic aging-related community information for callers. *Address needs of callers by offering immediate resources and service assistance. *Provide enhanced information & Assistance with long term care options. * Review community services and resources for persons in need of assistance while they are on waitlist.	*Completion of full COMPASS IHC assessment. *Development of person-centered plan for services. * Use of service authorizations and cost share to provide minimum levels of home and community-based services. *Reassessments conducted every three to six months dependent on services received.	*Completion of full COMPASS IHC assessment. *Development of person-centered plan for services. * Use of service authorizations and cost share to provide extended home and community-based services. (Quality for services above minimum level). *Reassessments conducted every 3 to 6 months dependent on services received. * TCM Nurses make monthly monitoring visits as necessary.		
<i>Where is the service provided?</i>	Phone	In-home	In-home		

EVIDENCE-BASED PROGRAMS PLANNED FOR FY 2023

Funded Under Disease Prevention Health Promotion Service Definition

Provide the information requested below for Evidence-Based Programs (EBDP) to be funded under Title III-D.

Title III-D funds can only be used on health promotion programs that meet the highest-level criteria as determined by the Administration for Community Living (ACL) Administration on Aging (AoA). Please see the "List of Approved EBDP Programs for Title III-D Funds" in the Document Library. Only programs from this list will be approved beginning in FY 2020. If funding has been allocated as a single amount for all Title III-D programs for a provider, enter on first line under "Funding Amount for This Service."

Program Name	Provider Name	Anticipated No. of Participants	Funding Amount for Service
<i>Example</i>	<i>Example: List each provider offering programs on a single line as shown below.</i>	<i>Example: Total participants for all providers</i>	<i>Example: Funding total for all providers</i>
Arthritis Exercise Program	1) Forest City Senior League Program 2) Grove Township Senior Services 3) Friendly Avenue Services	80	\$14,000
Tai Chi for Arthritis	1) Redford Township Senior Center 2) Garden City - Maplewood Senior Center 3) Van Buren Township Senior Center	110	\$6,768
Arthritis Foundation Exercise	1) Garden City - Maplewood Senior Center 2) Van Buren Township Senior Center 3) Sumpter Township Senior Center	205	\$8,984
Enhance Fitness	1) National Kidney Foundation	96	\$6,369
Diabetes Prevention Program	1) Beaumont Health System	168	\$16,128
Personal Action Towards Health	1) National Kidney Foundation of Michigan	54	\$20,600
Matter of Balance	1) National Kidney Foundation of Michigan	32	\$9,856

EMERGENCY MANAGEMENT AND PREPAREDNESS

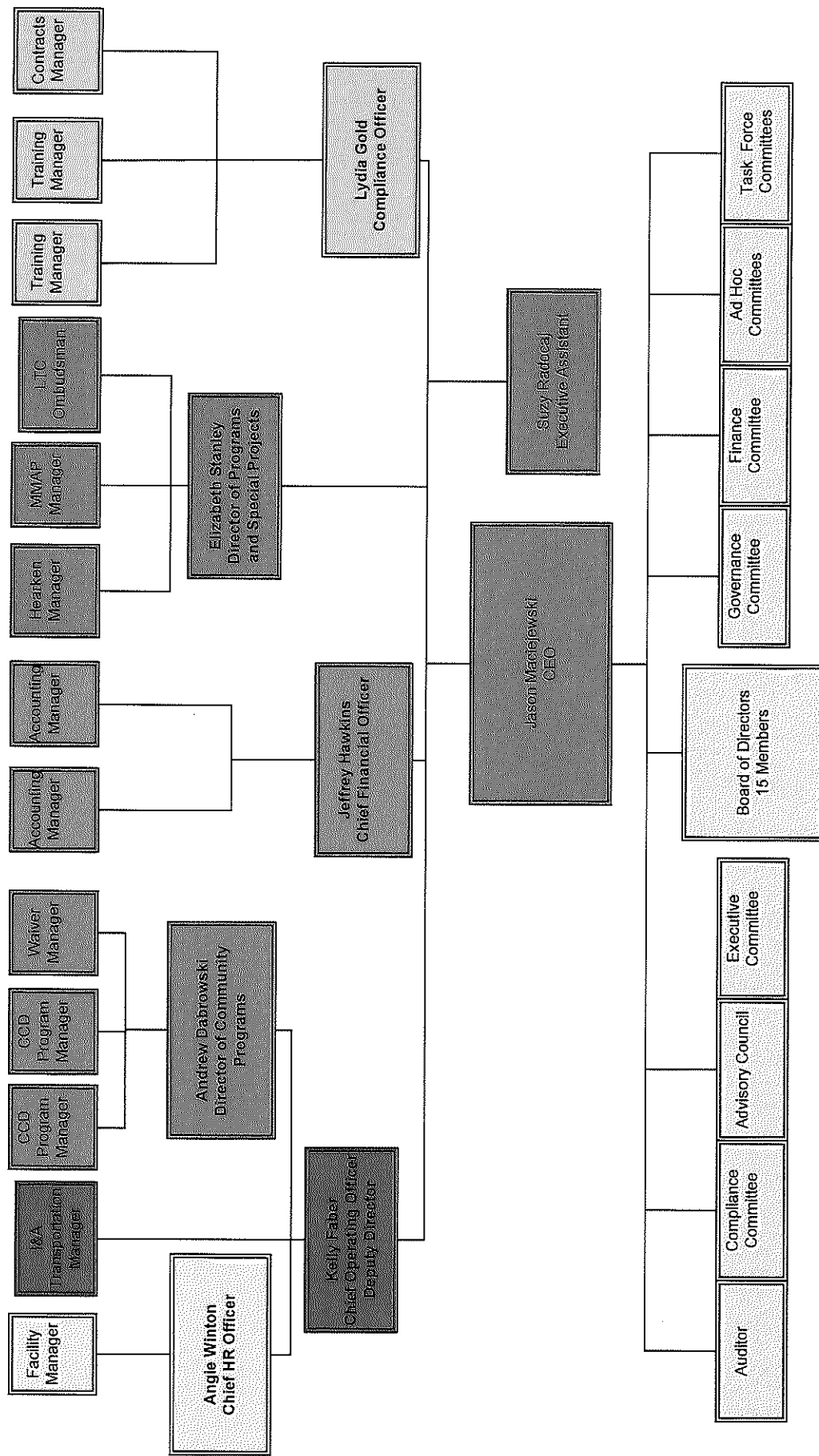
Minimum Elements for Area Agencies on Aging FY 2023 Annual Implementation Plan

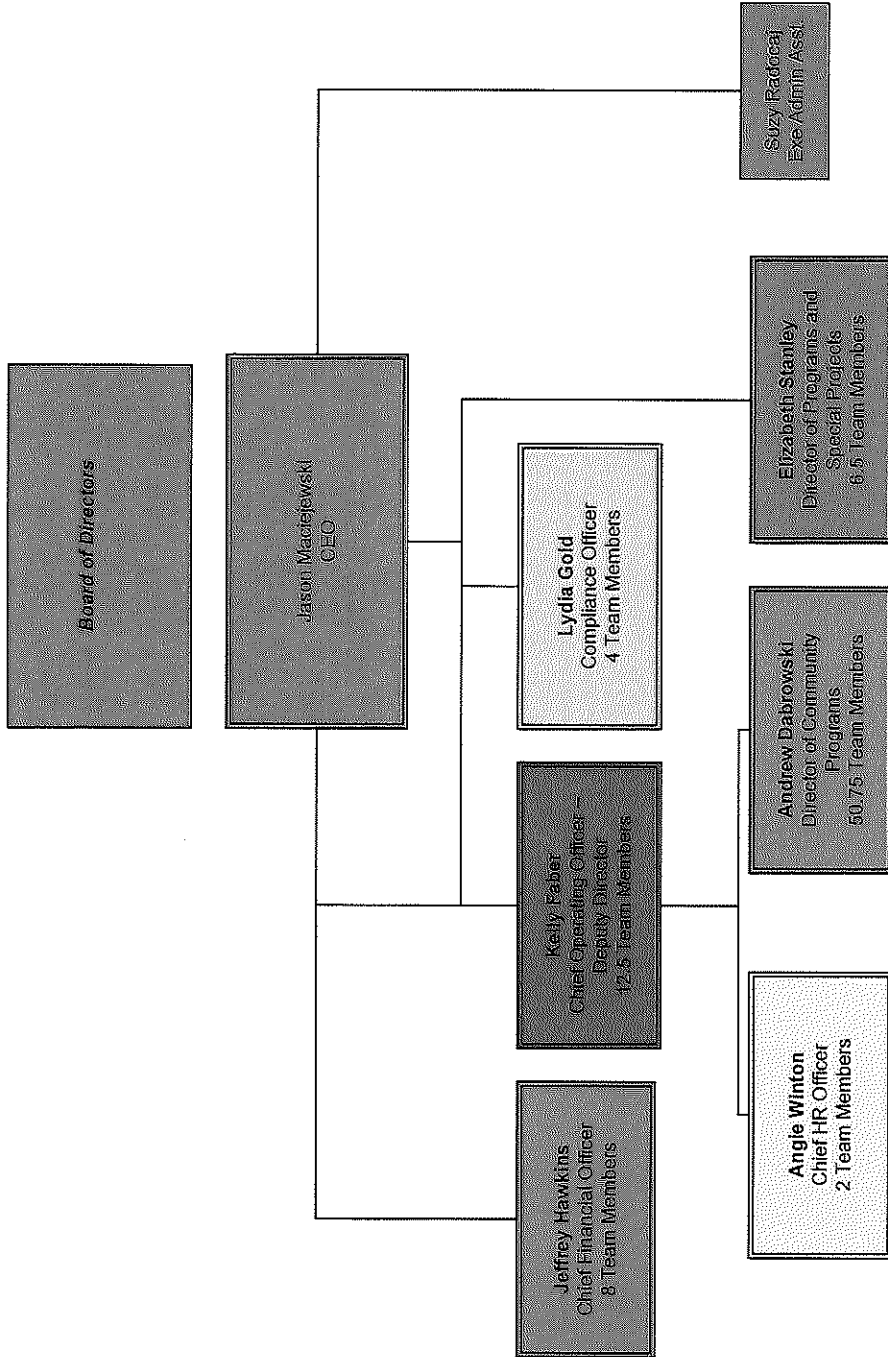
After each general and nutrition minimum element for emergency preparedness, provide a brief description regarding how the AAA Emergency Preparedness Plan for FY 2023 will address the element.

Area Agency on Aging	The Senior Alliance, Area 
A. General Emergency Preparedness Minimum Elements (required by the Older American's Act).	
1. Does your agency have an Emergency Preparedness Plan? If so when was the latest update and was it sent ACLS? If not, please sent to albrecht@michigan.gov	
We follow Wayne County's set guidelines for all local, state, or federal emergency situations.	
2. Does your agency work with local emergency management? If yes please provide a brief description of how you are working with them. If no Why.	
In the event of a federal, state or local emergency, The Senior Alliance will work with our local Community Focal Points to identify any older adults who have been affected to provide available resources as appropriate. For older adults currently enrolled in a program/service that TSA directly provides, department specific policies outline communication procedures and provide reporting guidance for weather related and/or other emergency disaster relief management. Focus would be given to nutrition program, care management and MI Choice Waiver participants.	
3. ACLS does have expectations during a State or locally declared emergency/disaster to have staff person (the area agency director or their designee) available for communication with ACLS staff to provide real time information about service continuity (status of aging network service provider's ability to provide services). Please provide ACLS with any updated contact information on staff listed as emergency contact. Including drills.	
The Senior Alliance's Chief Operating Officer serves as the AASA communications liaison in the event of an actual federal, state or locally declared emergency. Our COO will then notify staff and our IT team, Red Level.	
4. Being able to provide information about the number and location of vulnerable older persons receiving services from the area agency.	
To identify clients at highest risk and in need of support in the event of a federal, state or local emergency, The Senior Alliance utilizes NAPIS enrollment and Compass reports.	
5. What barriers have you had with emergency/disaster drills or with man-made or natural disaster such as flooding, pandemic, flu, and extreme weather? What can ACLS do to assist the AAAs with emergency/disasters? Can include funding, communication issues and PPE for example.	
At the beginning of the pandemic, we couldn't access PPE in a timely manner. Funding for flooding emergencies and assisting with cleanup from floods. Funding for temporary housing. Funding for home damage repairs.	

The Senior Alliance Organizational Chart

Older Persons, Persons with Disabilities, Caregivers, and Their Families





CEO Head Count 6	FTE 85	Vacant: 1 RN Waiver SC 2 SW Waiver SC 1 Support Specialist 1 Part Time Driver 1 Part Time Ombudsman – offer pending
Total 89.75	PTE 9	
Expected Total 94.75	Updated 5.24.22	

**CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD AUGUST 8, 2022**

7

Meeting was called to order at 8:12 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, Housing Director and Jeannine Laible, Director of Civil Service.

Councilmember Scott Morgan led the Pledge of Allegiance.

7. REQUEST TO APPROVE HOURLY RATE INCREASE: Department of Civil Service, re: for the classification of School Crossing Guard.

Jeannine Laible, Director of Civil Service, presented the request to Council.

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

Councilmember Brandon McCullough asked if the current pay was \$10.25. Jeannine Laible confirmed.

Councilmember Scott Bahr asked if the Police Department hired the Crossing Guards, as he thought they were parent volunteers. Jeannine Laible confirmed they are hired by the Police Department. Councilmember Bahr asked how many are employed in the City. Jeannine stated that she was unsure and would follow up with that information. Councilmember Bahr asked City Attorney, Paul Bernier if he knew the history of the Crossing Guards. Paul replied they have been hired by the Police Department for a number of years and the parent volunteers also come out to help at the corners.

DIRECTION:

APPROVING

CONSENT



LETTER TO THE LIVONIA CITY COUNCIL

7.

Civil Service
July 22, 2022

MEETING DATE

S080822/R082222

PREPARED BY

Jillian Emmitt, Personnel Clerk,

AGENDA ITEM

REQUEST TO APPROVE HOURLY RATE INCREASE: Department of Civil Service, re: for the classification of School Crossing Guard.

BACKGROUND

July 21, 2022

Honorable Members of City Council
City of Livonia

Subject: Request for Increase in Wage Rate for the School Crossing Guard Classification

Dear Council Members:

At the Civil Service Commission meeting of July 20, 2022, with Chairperson Charlotte S. Mahoney and Commissioner Roger Spence being present, with minutes to be approved on August 17, 2022, the Civil Service Commission approved the following resolution:

Upon a motion by Mr. Spence, seconded by Ms. Mahoney, and adopted, it was

22-130 RESOLVED, that having reviewed the letter dated June 27, 2022, from Thomas Goralski, Police Chief, requesting an increase in wage rate for the School Crossing Guard classification, the Civil Service Commission does hereby approve the request for an increase in wage rate for the School Crossing Guard classification. The Civil Service Commission submits the same to City Council for their review and consideration.

Attached is a copy of Chief Goralski's letter for your review.

If you have any questions concerning this matter, please call me at (734) 466-2527.

Thank you for your consideration.

Sincerely,

Jeannine Laible
Human Resources Director

RECOMMENDATION

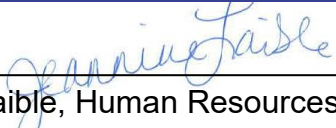
Approve as submitted

FISCAL CONSIDERATION

ATTACHMENTS

1. Packet to Council Transmitting Request for Increase in Wage Rate for the School Crossing Guard Classification

APPROVED BY



Jeannine Laible, Human Resources Director Date: July 28, 2022



Michael Slater, Finance Director Date: July 28, 2022



Paul Bernier, City Attorney Date: July 28, 2022



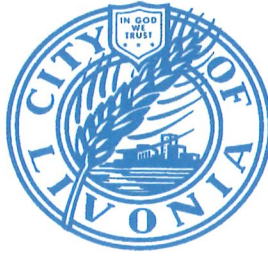
Maureen Miller Brosnan, Mayor Date: July 29, 2022

MAUREEN MILLER BROSAN
MAYOR

CIVIL SERVICE COMMISSION

CHARLOTTE S. MAHONEY, CHAIRPERSON
JAMES WENSON, COMMISSIONER
ROGER L. SPENCE, COMMISSIONER

CIVIL SERVICE DEPARTMENT



MEMBER IPMA-HR /SHRM
International Public Management Association
for Human Resources
Society for Human Resources Management

JEANNINE LAIBLE
HUMAN RESOURCES DIRECTOR

July 21, 2022

Honorable Members of City Council
City of Livonia

Subject: Request for Increase in Wage Rate for the School Crossing Guard Classification

Dear Council Members:

At the Civil Service Commission meeting of July 20, 2022, with Chairperson Charlotte S. Mahoney and Commissioner Roger Spence being present, with minutes to be approved on August 17, 2022, the Civil Service Commission approved the following resolution:

Upon a motion by Mr. Spence, seconded by Ms. Mahoney, and adopted, it was

22-130 RESOLVED, that having reviewed the letter dated June 27, 2022, from Thomas Goralski, Police Chief, requesting an increase in wage rate for the School Crossing Guard classification, the Civil Service Commission does hereby approve the request for an increase in wage rate for the School Crossing Guard classification. The Civil Service Commission submits the same to City Council for their review and consideration.

Attached is a copy of Chief Goralski's letter for your review.

If you have any questions concerning this matter, please call me at (734) 466-2527.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, reading "Jeannine Laible".

Jeannine Laible
Human Resources Director

je

MEMORANDUM

TO: Jeannine Laible, Human Resources Director
FROM: Elizabeth Hallack, PHR, Personnel Analyst II *EH*
DATE: June 28, 2022
SUBJECT: Request to Modify School Crossing Guard Wages

In correspondence dated June 27, 2022, Thomas Goralski, Police Chief, requests that the Civil Service Commission approve the hourly wage increase for the School Crossing Guard classification from \$10.25 per hour to \$15.00 per hour. The hourly rate was last adjusted in 2018 and I have attached the Temporary Wage Rate Schedule from 2018 to present. This request is to stay competitive with the current labor market to both retain our current School Crossing Guards and attract new candidates. If there are not enough School Crossing Guards to cover a shift, these responsibilities fall to our Police Officers.

This request was reviewed and approved by the Personnel Review Committee and Mayor Brosnan. Per the City of Livonia Charter, CHAPTER V, EXECUTIVE DIVISION, Section 16(b)(1) Powers and Duties of the Commission, the Civil Service Commission is given the authority to "establish and administer..., a schedule of compensation..."

Therefore, it is recommended that the proposed wage rate increase for School Crossing Guard be considered for adoption and the effective date would be upon Council approval.

COMMENTS FROM THE HUMAN RESOURCES DIRECTOR:

Concur Jeannine Laible

TEMPORARY CLASSIFICATIONS
6.27.22

CLASSIFICATION		Jan. 1, 2018	Feb. 17, 2018	Apr. 22, 2019	Jan. 1, 2020	Jan. 1, 2021	Jan. 1, 2022
COLLEGE CO-OP	1ST YEAR	\$9.50	\$9.50	\$9.70	\$9.90	\$10.12	\$10.35
	2ND YEAR	\$10.00	\$10.00	\$10.20	\$10.40	\$10.62	\$10.85
CROSSING GUARD	FLAT RATE	\$9.25	\$10.25	\$10.25	\$10.25	\$10.25	\$10.25
HIGHSCHOOL CO-OP	1ST YEAR	\$9.25	\$9.25	\$9.45	\$9.65	\$9.87	\$10.10
	2ND YEAR	\$9.50	\$9.50	\$9.70	\$9.90	\$10.12	\$10.35
LIBRARY PAGE	FLAT RATE	\$9.25	\$9.25	\$9.45	\$9.65	\$9.87	\$10.10
	6 MONTHS	\$9.50	\$9.50	\$9.70	\$9.90	\$10.12	\$10.35
POLICE RESERVE OFFICER	FLAT RATE	\$10.00	\$12.50	\$12.50	\$12.50	\$12.50	\$12.50
SEASONAL CLERK	1ST YEAR	\$9.50	\$9.50	\$9.70	\$9.90	\$10.12	\$10.35
	2ND YEAR	\$9.75	\$9.75	\$10.20	\$10.40	\$10.62	\$10.85
SEASONAL LABORER Rate increases in the Jan 1, 2021 column is effective 8/28/21 (CR#266-21)	1ST SEASON	\$10.40	\$10.40	\$11.00	\$11.00	\$12.00	\$12.00
	2ND SEASON	\$10.65	\$10.65	\$11.50	\$11.50	\$12.50	\$12.50
	3RD+ SEASON	\$10.90	\$10.90	\$12.00	\$12.00	\$13.00	\$13.00
SEASONAL LABORER Rate increase in the Jan 1, 2022, column is effective 7/2/22 (CR#195-22)	FLAT RATE						\$15.00
STUDENT PAGE	FLAT RATE	\$9.25	\$9.25	\$9.45	\$9.65	\$9.87	\$10.10
	6 MONTHS	\$9.50	\$9.50	\$9.70	\$9.90	\$10.12	\$10.35
SUBSTITUTE LIBRARIAN Pre-Master's Degree (20 hours)	FLAT RATE	\$12.00	\$12.00	\$12.00	\$12.00	\$12.00	\$12.00
	100 HOURS	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00
SUBSTITUTE LIBRARIAN (MLIS)* *Rate increase in the Jan 1, 2021 column is effective 9/11/21 (CR#271-21)	FLAT RATE	\$16.00	\$16.00	\$16.00	\$16.00	\$20.00	\$20.00
	100 HOURS	\$18.00	\$18.00	\$18.00	\$18.00	\$22.00	\$22.00

DEPARTMENT OF PUBLIC SAFETY
DIVISION OF POLICE

THOMAS GORALSKI
CHIEF OF POLICE



MAUREEN MILLER BROSNAN
MAYOR

15050 Farmington Road
Livonia, Michigan 48154-5499
(734) 466-2470
FAX: (734) 261-2265

June 27, 2022

Civil Service Commission
City of Livonia

RE: Request for Modification of Wages for School Crossing Guards

Dear Commissioners,

As approved by the Personnel Review Committee, I am requesting to modify the wages of School Crossing Guards. The current hourly wage is \$10.25 and was last adjusted in 2018. I am requesting the hourly wage be increased to \$15.00.

Thank you for your consideration in this matter. If you have any questions, please contact me at ext. 2302.

Sincerely,
On behalf of Thomas Goralski, Chief

A handwritten signature in black ink that reads "Benjamin McDermott".

Deputy Chief Benjamin McDermott
Livonia Division of Police

Cc
File
Traffic Bureau
Computers

RECEIVED

JUN 28 2022

LIVONIA CIVIL SERVICE

**CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD AUGUST 8, 2022**

8

Meeting was called to order at 8:12 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, Housing Director and Jeannine Laible, Director of Civil Service.

Councilmember Scott Morgan led the Pledge of Allegiance.

8. REQUEST FOR APPROVAL OF THE RESTATED PLAN DOCUMENTS FOR THE 401(A) DEFINED CONTRIBUTION PLAN AND THE 457(B) DEFERRED COMPENSATION PLAN; Civil Service Department; re: same.

Jeannine Laible, Director of Civil Service, presented the request to Council.

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

DIRECTION:

APPROVING

CONSENT



LETTER TO THE LIVONIA CITY COUNCIL

8.

Civil Service
July 22, 2022

MEETING DATE

S080822/R082222

PREPARED BY

Jillian Emmitt, Personnel Clerk,

AGENDA ITEM

REQUEST FOR APPROVAL OF THE RESTATED PLAN DOCUMENTS FOR THE 401(A) DEFINED CONTRIBUTION PLAN AND THE 457(B) DEFERRED COMPENSATION PLAN; Civil Service Department; re: same.

BACKGROUND

July 21, 2022

Honorable Members of City Council
City of Livonia

Subject: Request for Approval of the Restated Agreements for the 401(a) Defined Contribution Plan and the 457(b) Deferred Compensation Plan

Dear Council Members:

At the Civil Service Commission meeting of July 20, 2022, with Chairperson Charlotte S. Mahoney and Commissioner Roger Spence being present, with minutes to be approved on August 17, 2022, the Civil Service Commission approved the following resolution:

Upon a motion by Mr. Spence, seconded by Ms. Mahoney, and adopted, it was

22-132 RESOLVED, that having reviewed the memorandum dated July 14, 2022, from Katherine Barbee, Program Supervisor, requesting the approval of the restated plan documents for the 401(a) Defined Contribution Plan and the 457(b) Deferred Compensation Plan, the Civil Service Commission does hereby approve the restated plan documents for the 401(a) Defined Contribution Plan and the 457(b) Deferred Compensation Plan. The Civil Service Commission submits the same to City Council for their review and consideration.

Attached is a copy of Ms. Barbee's memo and plan agreements for your review.

If you have any questions concerning this matter, please call me at (734) 466-2527.

Thank you for your consideration.

Sincerely,

Jeannine Laible
Human Resources Director

RECOMMENDATION

Approve as submitted

FISCAL CONSIDERATION

ATTACHMENTS

1. Packet to Council Transmitting Restated Plan Documents for the 401a Defined Contribution Plan and the 457b Deferred Compensation Plan

APPROVED BY



Jeannine Laible, Human Resources Director

Date: July 22, 2022



Michael Slater, Finance Director

Date: July 25, 2022



Paul Bernier, City Attorney

Date: July 25, 2022



Maureen Miller Brosnan, Mayor

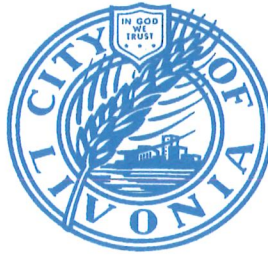
Date: July 29, 2022

MAUREEN MILLER BROSNAN
MAYOR

CIVIL SERVICE COMMISSION

CHARLOTTE S. MAHONEY, CHAIRPERSON
JAMES WENSON, COMMISSIONER
ROGER L. SPENCE, COMMISSIONER

CIVIL SERVICE DEPARTMENT



MEMBER IPMA-HR /SHRM
International Public Management Association
for Human Resources
Society for Human Resources Management

JEANNINE LAIBLE
HUMAN RESOURCES DIRECTOR

July 21, 2022

Honorable Members of City Council
City of Livonia

Subject: Request for Approval of the Restated Agreements for the 401(a) Defined Contribution Plan and the 457(b) Deferred Compensation Plan

Dear Council Members:

At the Civil Service Commission meeting of July 20, 2022, with Chairperson Charlotte S. Mahoney and Commissioner Roger Spence being present, with minutes to be approved on August 17, 2022, the Civil Service Commission approved the following resolution:

Upon a motion by Mr. Spence, seconded by Ms. Mahoney, and adopted, it was

22-132 RESOLVED, that having reviewed the memorandum dated July 14, 2022, from Katherine Barbee, Program Supervisor, requesting the approval of the restated plan documents for the 401(a) Defined Contribution Plan and the 457(b) Deferred Compensation Plan, the Civil Service Commission does hereby approve the restated plan documents for the 401(a) Defined Contribution Plan and the 457(b) Deferred Compensation Plan. The Civil Service Commission submits the same to City Council for their review and consideration.

Attached is a copy of Ms. Barbee's memo and plan agreements for your review.

If you have any questions concerning this matter, please call me at (734) 466-2527.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Jeannine Laible".

Jeannine Laible
Human Resources Director

je

MEMORANDUM

TO: Jeannine Laible, Human Resources Director
FROM: Katie Barbee, Program Supervisor
DATE: July 14, 2022
SUBJECT: Approval of the Restated Agreements for the 401(a) Defined Contribution Plan and the 457(b) Deferred Compensation Plan.

Empower Retirement is the service provider for the City's 401(a) Defined Contribution Plan and the 457(b) Deferred Compensation Plan.

For the 401(a) plan, and as required by the IRS, periodic "plan document restatements" are required to capture any legal or regulatory updates that may have taken place (i.e., non-negotiable updates, determined by the tax code). The plan's provisions have not been changed, only the IRS guidelines have been updated.

Attached are the plan documents that have been restated by the IRS for both the 401(a) Defined Contribution Plan and the 457(b) Deferred Compensation Plan.

In order to have the proper documentation on file with Empower Retirement, we request that the plan documents be approved for submission to the City Council for final approval.

COMMENTS BY THE HUMAN RESOURCES DIRECTOR:

Concur.




INFORMATION REGARDING YOUR RETIREMENT PLAN DOCUMENT – Action Required

May 10, 2022

Michael Slater
City of Livonia
33000 Civic Center Drive
Livonia, MI 48154

RE: 95129-01, City of Livonia 401(a) Money Purchase Plan and Trust

Dear Michael Slater:

What you need to know

The IRS requires all Plan Sponsors to restate their plan documents every 6 years to incorporate legal updates that have occurred during that timeframe. We designed this restatement process, named Third Cycle Restatement, to be easy for you.

We translated your existing plan rules to the new legal documents attached.

- Adoption Agreement – Legal document containing your plan rules
- Trust Agreement
- Summary Plan Description (SPD) – Summary of plan rules for your participants

We have posted the restated Basic Plan Document (BPD) on the Plan Service Center (PSC).

After your signed documents are returned, the Adoption Agreement and SPD will be posted under the Fiduciary Center link on the left-hand side of the Plan Service Center (PSC). Select “Plan Documents” to review.

The differences between the plan documents can be found in the attached **Summary of Key Document Changes**. Please review as there may be changes that could impact the administration of your plan.

What you need to do

- Review the Adoption Agreement - Ensure all plan rules accurately reflect how you administer your plan. We encourage you to consult with your legal counsel and other tax and benefit advisors to assist with this review to the extent you deem appropriate.

- Sign, date, and return the pages indicated below:

Adoption Agreement - Execution Page

Employer's signature and date

If applicable: Trust Agreement - Execution Page

Employer's signature and Date

- Maintain copies of your legal documents in your plan records.

Please send a copy of the executed pages of the documents listed above to your Client Service Manager or Representative as soon as possible.

It is very important that all executed pages are returned as soon as administratively possible since no recordkeeping system changes will be updated until we receive signed documents. If we do not receive signed documents, there is a possibility that your plan may experience qualification issues.

If you have questions, please contact your Client Services Manager or Representative.

Sincerely,

Plan Document Services

cc: Kerrin Bostwick
Aaron Schluep

Summary of Key Document Changes

In connection with the restatement of your plan, the following is a summary of key differences between the plan documents, including changes that may impact your plan's administration and may require your action depending on your Current Plan Document provisions.

	Current Plan Document	Third Cycle Document
Trust Agreement	Trust provisions could be incorporated into pre-approved plan documents.	Trust provisions can no longer be incorporated into the plan document. A separate trust agreement is required with Third Cycle documents. If your plan already has a separate trust agreement in place, that agreement can carry forward and remain intact.
Plan Document Type	Profit sharing/non-pension 401(a) plans and money purchase pension plans use separate volume submitter adoption agreements.	There is now one pre-approved plan document that has the flexibility to be adopted as a profit sharing/non-pension 401(a) plan or a money purchase pension plan.
Service Crediting Method	The plan document's default method of crediting service in election 16.2 is based on actual hours of service.	The document's default method of crediting service is now based on actual hours of service unless actual hours of service are not available and an equivalency must be used (e.g., for salaried employees). If actual hours of service are not available, the employee is credited with 190 hours of service for each month the employee works at least one hour. If the plan sponsor uses an equivalency other than 1 month = 190 hours, the appropriate alternative should be selected from the options in election 16.b.3. You should contact your Empower client service manager if you need to change the equivalency in your document.
Discretionary Matching Contributions	For profit sharing/non-pension 401(a) plans with a discretionary match provision (election 26.f.), the discretionary matching contribution election was flexible, including as to what formula a plan sponsor could use.	There are two elections for a discretionary matching contribution in the new document (elections 26.h. and 26.h.1): • Flexible Discretionary Match • Rigid Discretionary Match Plans with a discretionary matching contribution provision were mapped to the Flexible Discretionary Match election. Important information regarding a Flexible Discretionary Match election: • This election provides plan sponsors the most flexibility, including with respect to the match formula and computation period.

		- When Flexible Discretionary Matching contributions are made for a plan year, plan sponsors must communicate to participants who receive an allocation of the match the match formula, computation period for match, and (if applicable) a description of each business location/classification subject to separate match formula(s) no later than 60 days following the date the last match is made for a plan year. - It is expected that plan sponsors provide this type of information to participants in their standard benefits communications. We can provide a sample template for this communication upon request. For the alternative election, a Rigid Discretionary Match, communication to participants when matching contributions are made is not required under the plan document. However, the match is not as flexible and must meet certain requirements – the computation period must be stated in the plan document; the maximum amount of the matching contribution, if any, must be stated in the plan document; the match, if made, must be provided to all participants eligible for the match who meet the allocation conditions; and the formula must be a uniform rate. You can contact your Empower client service manager if you would like additional information on this option.
Matching After-Tax Contributions	The option to match after-tax contributions was in election 32.	The option to match after-tax contributions was moved to election 26.A.
Type of Government Entity	The plan allowed a plan sponsor to describe the type of government entity in a describe line in election 2.	The plan now requires the plan sponsor to select from one of four types of government entities specified in election 2. The describe line was removed. If the name of the plan sponsor matches one of the available types of government entity, that option was selected. You should contact your Empower client service manager if you need to change the type of government entity in your document.

This summary does not include all changes to the plan document. Please carefully review the documents to ensure all plan terms accurately reflect the administration of your plan. You are encouraged to consult with your legal counsel and other tax and benefit advisors to assist with this review to the extent you deem appropriate.

**ADOPTION AGREEMENT FOR
GREAT-WEST TRUST COMPANY, LLC
NON-STANDARDIZED
GOVERNMENTAL 401(a) PRE-APPROVED PLAN**

CAUTION: Failure to properly fill out this Adoption Agreement may result in disqualification of the Plan.

EMPLOYER INFORMATION

(An amendment to the Adoption Agreement is not needed solely to reflect a change in this Employer Information Section.)

1. EMPLOYER'S NAME, ADDRESS, TELEPHONE NUMBER, TIN AND FISCAL YEAR

Name: City of Livonia

Address: 33000 Civic Center Drive
Street

Livonia Michigan 48154
City State Zip

Telephone: (734) 466-2530

Taxpayer Identification Number (TIN): 38-6005820

Employer's Fiscal Year ends: November 30

2. TYPE OF GOVERNMENTAL ENTITY. This Plan may only be adopted a state or local governmental entity, or agency thereof, including an Indian tribal government and may not be adopted by any other entity, including a federal government and any agency or instrumentality thereof.

- a. ☐ State government or state agency
- b. ☐ County or county agency
- c. ☒ Municipality or municipal agency
- d. ☐ Indian tribal government (see Note below)

NOTE: An Indian tribal government may only adopt this Plan if such entity is defined under Code §7701(a)(40), is a subdivision of an Indian tribal government as determined in accordance with Code §7871(d), or is an agency or instrumentality of either, and all of the Participants under this Plan employed by such entity substantially perform services as an Employee in essential governmental functions and not in the performance of commercial activities (whether or not an essential government function).

3. PARTICIPATING EMPLOYERS (Plan Section 1.39). Will any other Employers adopt this Plan as Participating Employers?

- a. ☒ No
- b. ☐ Yes

MULTIPLE EMPLOYER PLAN (Plan Article XI). Will any Employers who are not Affiliated Employers adopt this Plan as part of a multiple employer plan (MEP) arrangement?

- c. ☒ No
- d. ☐ Yes (Complete a Participation Agreement for each Participating Employer.)

PLAN INFORMATION

(An amendment to the Adoption Agreement is not needed solely to reflect a change in the information in Question 9.)

4. PLAN NAME:

City of Livonia 401(a) Money Purchase Plan and Trust

5. PLAN STATUS

- a. ☐ New Plan
 - b. ☒ Amendment and restatement of existing Plan
- CYCLE 3 RESTATEMENT** (leave blank if not applicable)

- 1. ☒ This is an amendment and restatement to bring a plan into compliance with the legislative and regulatory changes set forth in IRS Notice 2017-37 (i.e., the 6-year pre-approved plan restatement cycle).

6. EFFECTIVE DATE (Plan Section 1.16) (complete a. if new plan; complete a. AND b. if an amendment and restatement)

Initial Effective Date of Plan (except for restatements, cannot be earlier than the first day of the current Plan Year)

- a. September 17, 1997 (enter month day, year) (hereinafter called the "Effective Date" unless 6.b. is entered below)

Restatement Effective Date. If this is an amendment and restatement, the effective date of the restatement (hereinafter called the "Effective Date") is:

- b. May 9, 2022 (enter month day, year; NOTE: The restatement date may not be prior to the first day of the current Plan Year. Plan contains appropriate retroactive effective dates with respect to provisions for appropriate laws.)

7. PLAN YEAR (Plan Section 1.43) means, except as otherwise provided in d. below:

- a. ☒ the calendar year
b. ☐ the twelve-month period ending on _____ (e.g., June 30th)

SHORT PLAN YEAR (Plan Section 1.47). This is a Short Plan Year (if the effective date of participation is based on a Plan Year, then coordinate with Question 14):

- c. ☒ N/A
d. ☐ beginning on _____ (enter month day, year; e.g., July 1, 2020)
and ending on _____ (enter month day, year).

8. VALUATION DATE (Plan Section 1.53) means:

- a. ☒ every day that the Trustee (or Insurer), any transfer agent appointed by the Trustee (or Insurer) or the Employer, and any stock exchange used by such agent are open for business (daily valuation)
b. ☐ the last day of each Plan Year
c. ☐ the last day of each Plan Year quarter
d. ☐ other (specify day or days): _____ (must be at least once each Plan Year)

NOTE: The Plan always permits interim valuations.

9. ADMINISTRATOR'S NAME, ADDRESS AND TELEPHONE NUMBER

(If none is named, the Employer will be the Administrator (Plan Section 1.2).)

- a. ☒ Employer (use Employer address and telephone number)
b. ☐ The Committee appointed by the Employer (use Employer address and telephone number)
c. ☐ Other:

Name: _____
Address: _____
Street

City State Zip
Telephone: _____

10. TYPE OF PLAN (select one)

- a. ☐ Profit Sharing Plan.
b. ☒ Money Purchase Pension Plan.

11. CONTRIBUTION TYPES

The selections made below must correspond with the selections made under the Contributions and Allocations Section of this Adoption Agreement.

FROZEN PLAN OR CONTRIBUTIONS HAVE BEEN SUSPENDED (Plan Section 4.1(c)) (optional)

- a. ☐ This is a frozen Plan (i.e., all contributions cease) (if this is a temporary suspension, select a.2):
1. ☐ All contributions ceased as of, or prior to, the effective date of this amendment and restatement and the prior Plan provisions are not reflected in this Adoption Agreement (may enter effective date at 3. below and/or select prior contributions at g. - j. (optional), skip questions 12-18 and 22-30)
2. ☐ All contributions ceased or were suspended and the prior Plan provisions are reflected in this Adoption Agreement (must enter effective date at 3. below and select contributions at b. - f.)

Effective date

3. ☐ as of _____ (effective date is optional unless a.2. has been selected above or this is the amendment or restatement to freeze the Plan).

CURRENT CONTRIBUTIONS

The Plan permits the following contributions (select one or more):

- b. ☒ **Employer contributions other than matching** (Questions 24-25)
1. ☐ This Plan qualifies as a Social Security Replacement Plan (Question 24.e. must be selected)
c. ☐ **Employer matching contributions** (Questions 26-28)
d. ☒ **Mandatory Employee contributions** (Question 30)

- e. ☒ **After-tax voluntary Employee contributions**
 f. ☒ **Rollover contributions** (Question 36)

PRIOR CONTRIBUTIONS

The Plan used to permit, but no longer does, the following contributions (choose all that apply, if any):

- g. ☐ **Employer matching contributions**
 h. ☐ **Employer contributions other than matching contributions**
 i. ☐ **Rollover contributions**
 j. ☐ **After-tax voluntary Employee contributions**

ELIGIBILITY REQUIREMENTS

12. ELIGIBLE EMPLOYEES (Plan Section 1.17) means all Employees (including Leased Employees) EXCEPT those Employees who are excluded below or elsewhere in the Plan: (select a. or b.)
- a. ☐ **No excluded Employees.** There are no additional excluded Employees under the Plan (skip to Question 13).
- b. ☒ **Exclusions.** The following Employees are not Eligible Employees for Plan purposes (select one or more):
1. ☐ Union Employees (as defined in Plan Section 1.17)
 2. ☐ Nonresident aliens (as defined in Plan Section 1.17)
 3. ☐ Leased Employees (Plan Section 1.29)
 4. ☐ Part-time Employees. A part-time Employee is an Employee whose regularly scheduled service is less than _ Hours of Service in the relevant eligibility computation period (as defined in Plan Section 1.55).
 5. ☐ Temporary Employees. A temporary Employee is an Employee who is categorized as a temporary Employee on the Employer's payroll records.
 6. ☐ Seasonal Employees. A seasonal Employee is an Employee who is categorized as a seasonal Employee on the Employer's payroll records.
 7. ☒ Other: Temporary or Seasonal Employees whose regularly scheduled Service is less than 2,080 Hours of Service in the relevant Eligibility Computation Period. If a Temporary or Seasonal Employee actually completes at least 2,080 Hours of Service during the relevant Eligibility Computation Period, the Employee will become an Eligible Employee. (must be definitely determinable under Regulation §1.401-1(b). Exclusions may be employment title specific but may not be by individual name)
- NOTE:** If option 4. - 6. (part-time, temporary and/or seasonal exclusions) is selected, when any such excluded Employee actually completes 1 Year of Service, then such Employee will no longer be part of this excluded class. For this purpose, the Hours of Service method will be used for the 1 Year of Service override regardless of any contrary selection at Question 16.
13. CONDITIONS OF ELIGIBILITY (Plan Section 3.1)
- a. ☐ **No age and service required.** No age and service required for all Contribution Types (skip to Question 14).
- b. ☒ **Eligibility.** An Eligible Employee will be eligible to participate in the Plan upon satisfaction of the following (complete c. and d., select e. and f. if applicable):

Eligibility Requirements

- c. ☒ **Age Requirement**
1. ☒ No age requirement
 2. ☐ Age 20 1/2
 3. ☐ Age 21
 4. ☐ Age _____ (may not exceed 26)
- d. ☒ **Service Requirement**
1. ☐ No service requirement
 2. ☒ 6 (not to exceed 60) months of service (elapsed time)
 3. ☐ 1 Year of Service
 4. ☐ _____ (not to exceed 5) Years of Service
 5. ☐ _____ consecutive month period from the Eligible Employee's employment commencement date and during which at least _____ Hours of Service are completed.
 6. ☐ _____ consecutive months of employment.
 7. ☐ Other: _____ (e.g., date on which 1,000 Hours of Service is completed within the computation period) (must satisfy the Notes below)

NOTE: If c.4. or d.7. is selected, the condition must be an age or service requirement that is definitely determinable and may not exceed age 26 and may not exceed 5 Years of Service.

NOTE: Year of Service means Period of Service if the elapsed time method is chosen.

Waiver of conditions. The service and/or age requirements specified above will be waived in accordance with the following (leave blank if there are no waivers of conditions):

- e. ☐ If employed on _____ the following requirements, and the entry date requirement, will be waived. The waiver applies to any Eligible Employee unless 3. selected below. Such Employees will enter the Plan as of such date (select 1. and/or 2. AND 3. if applicable):
1. ☐ service requirement (may let part-time Eligible Employees into the Plan)
 2. ☐ age requirement
 3. ☐ waiver is for: _____

Amendment or restatement to change eligibility requirements

- f. ☐ This amendment or restatement (or a prior amendment and restatement) modified the eligibility requirements and the prior eligibility conditions continue to apply to the Eligible Employees specified below. If this option is NOT selected, then all Eligible Employees must satisfy the eligibility conditions set forth above.
1. ☐ The eligibility conditions above only apply to Eligible Employees who were not Participants as of the effective date of the modification.
 2. ☐ The eligibility conditions above only apply to individuals who were hired on or after the effective date of the modification.

14. **EFFECTIVE DATE OF PARTICIPATION (ENTRY DATE) (Plan Section 3.2)**

An Eligible Employee who has satisfied the eligibility requirements will become a Participant in the Plan as of the:

- a. ☒ date such requirements are met
- b. ☐ first day of the month coinciding with or next following the date on which such requirements are met
- c. ☐ first day of the Plan Year quarter coinciding with or next following the date on which such requirements are met
- d. ☐ earlier of the first day of the Plan Year or the first day of the seventh month of the Plan Year coinciding with or next following the date on which such requirements are met
- e. ☐ first day of the Plan Year coinciding with or next following the date on which such requirements are met
- f. ☐ first day of the Plan Year in which such requirements are met
- g. ☐ first day of the Plan Year in which such requirements are met, if such requirements are met in the first 6 months of the Plan Year, or as of the first day of the next succeeding Plan Year if such requirements are met in the last 6 months of the Plan Year.
- h. ☐ other: _____ (must be definitely determinable)

SERVICE

15. **RECOGNITION OF SERVICE WITH OTHER EMPLOYERS (Plan Sections 1.40 and 1.55)**

- a. ☒ No service with other employers is recognized except as otherwise required by law (e.g., the Plan already provides for the recognition of service with Employers who have adopted this Plan as well as service with Affiliated Employers and predecessor Employers who maintained this Plan; skip to Question 16).
- b. ☐ Service with the designated employers is recognized as follows (select c. – e. and one or more of columns 1. - 3.; chose other options as applicable) (if more than 3 employers, attach an addendum to the Adoption Agreement or complete option h. under Section B of Appendix A):

	1.	2.	3.
Other Employer	Eligibility	Vesting	Contribution Allocation
c. ☐ Employer name: _____	☐	☐	☐
d. ☐ Employer name: _____	☐	☐	☐
e. ☐ Employer name: _____	☐	☐	☐

Limitations

- f. ☐ The following provisions or limitations apply with respect to the recognition of prior service: _____
(e.g., credit service with X only on/following 1/1/19)
- g. ☐ The following provisions or limitations apply with respect to the recognition of service with other employers: _____
(e.g., credit service with X only on/following 1/1/19 or credit all service with entities the Employer acquires after 12/31/18)

NOTE: If the other Employer(s) maintained this qualified Plan, then Years (and/or Periods) of Service with such Employer(s) must be recognized pursuant to Plan Sections 1.40 and 1.55 regardless of any selections above.

16. SERVICE CREDITING METHOD (Plan Sections 1.40 and 1.55)

NOTE: If any Plan provision is based on a Year of Service, then the provisions set forth in the definition of Year of Service in Plan Section 1.55 will apply, including the following defaults, except as otherwise elected below:

1. A Year of Service means completion of at least 1,000 Hours of Service during the applicable computation period.
2. Hours of Service (Plan Section 1.24) will be based on actual Hours of Service except that for Employees for whom records of actual Hours of Service are not maintained or available (e.g., salaried Employees), the monthly equivalency will be used.
3. For eligibility purposes, the computation period will be as defined in Plan Section 1.55 (i.e., shift to the Plan Year if the eligibility condition is one (1) Year of Service or less).
4. For vesting, allocation, and distribution purposes, the computation period will be the Plan Year.
5. Upon an Employee's rehire, all prior service with the Employer is taken into account for all purposes.

a. ☒ **Elapsed time method.** (Period of Service applies instead of Year of Service) Instead of Hours of Service, elapsed time will be used for:

1. ☐ all purposes (skip to Question 17)
2. ☒ the following purposes (select one or more):
 - a. ☒ eligibility to participate
 - b. ☐ vesting
 - c. ☐ allocations, distributions and contributions

b. ☒ **Alternative definitions for the Hours of Service method.** Instead of the defaults, the following alternatives will apply for the Hours of Service method (select one or more):

1. ☐ **Eligibility computation period.** Instead of shifting to the Plan Year, the eligibility computation period after the initial eligibility computation period will be based on each anniversary of the date the Employee first completes an Hour of Service
2. ☒ **Vesting computation period.** Instead of the Plan Year, the vesting computation period will be the date an Employee first performs an Hour of Service and each anniversary thereof.
3. ☐ **Equivalency method.** Instead of using actual Hours of Service, an equivalency method will be used to determine Hours of Service for:
 - a. ☐ all purposes
 - b. ☐ the following purposes (select one or more):
 1. ☐ eligibility to participate
 2. ☐ vesting
 3. ☐ allocations, distribution and contributions

Such method will apply to:

- c. ☐ all Employees
- d. ☐ Employees for whom records of actual Hours of Service are not maintained or available (e.g., salaried Employees)
- e. ☐ other: _____ (e.g., per-diem Employees only)

Hours of Service will be determined on the basis of:

- f. ☐ days worked (10 hours per day)
- g. ☐ weeks worked (45 hours per week)
- h. ☐ semi-monthly payroll periods worked (95 hours per semi-monthly pay period)
- i. ☐ months worked (190 hours per month)
- j. ☐ bi-weekly payroll periods worked (90 hours per bi-weekly pay period)
- k. ☐ other: _____ (e.g., option f. is used for per-diem Employees and option g. is used for on-call Employees).

4. ☐ **Number of Hours of Service required.** Instead of 1,000 Hours of Service, Year of Service means the applicable computation period during which an Employee has completed at least _____ (not to exceed 1,000) Hours of Service for:

- a. ☐ all purposes
- b. ☐ the following purposes (select one or more):
 1. ☐ eligibility to participate
 2. ☐ vesting
 3. ☐ allocations, distributions and contributions

- c. ☐ **Alternative for counting all prior service.** Instead of the default which recognizes all prior service for rehired Employees, the Plan will not recognize prior service and rehired Employee are treated as new hires for the following purposes: (select one)
1. ☐ all purposes
 2. ☐ the following purposes (select one or more):
 - a. ☐ eligibility to participate
 - b. ☐ vesting
 - c. ☐ sharing in allocations or contributions
- d. ☐ **Other service crediting provisions:** _____ (must be definitely determinable; e.g., for vesting a Year of Service is based on 1,000 Hours of Service but for eligibility a Year of Service is based on 900 Hours of Service.)

NOTE: Must not list more than 1,000 hours in this Section. This servicing credit provision will be used for:

1. ☐ All purposes
2. ☐ The following purposes (select one or more):
 - a. ☐ eligibility to participate
 - b. ☐ vesting
 - c. ☐ allocations, distributions and contributions

VESTING

17. VESTING OF PARTICIPANT'S INTEREST – EMPLOYER CONTRIBUTIONS (Plan Section 6.4(b))
- a. ☐ N/A (no Employer contributions; skip to Question 19)
 - b. ☒ The vesting provisions selected below apply. Section B of Appendix A can be used to specify any exceptions to the provisions below.

NOTE: The Plan provides that contributions for converted sick leave and/or vacation leave are fully Vested.

Vesting for Employer contributions other than matching contributions

- c. ☐ N/A (no Employer contributions (other than matching contributions); skip to f.)
- d. ☐ 100% vesting. Participants are 100% Vested in Employer contributions (other than matching contributions) upon entering Plan.
- e. ☒ The following vesting schedule, based on a Participant's Years of Service (or Periods of Service if the elapsed time method is selected), applies to Employer contributions (other than matching contributions):
 1. ☐ 6 Year Graded: 0-1 year-0%; 2 years-20%; 3 years-40%; 4 years-60%; 5 years-80%; 6 years-100%
 2. ☐ 4 Year Graded: 1 year-25%; 2 years-50%; 3 years-75%; 4 years-100%
 3. ☐ 5 Year Graded: 1 year-20%; 2 years-40%; 3 years-60%; 4 years-80%; 5 years-100%
 4. ☒ Cliff: 100% vesting after 4 (not to exceed 15) years
 5. ☐ Other graded vesting schedule (must provide for full vesting no later than 15 years of service; add additional lines as necessary)

Years (or Periods) of Service	Percentage
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %

Vesting for Employer matching contributions

- f. ☒ N/A (no Employer matching contributions)
- g. ☐ The schedule above will also apply to Employer matching contributions.
- h. ☐ 100% vesting. Participants are 100% Vested in Employer matching contributions upon entering Plan.
- i. ☐ The following vesting schedule, based on a Participant's Years of Service (or Periods of Service if the elapsed time method is selected), applies to Employer matching contributions:
 1. ☐ 6 Year Graded: 0-1 year-0%; 2 years-20%; 3 years-40%; 4 years-60%; 5 years-80%; 6 years-100%
 2. ☐ 4 Year Graded: 1 year-25%; 2 years-50%; 3 years-75%; 4 years-100%
 3. ☐ 5 Year Graded: 1 year-20%; 2 years-40%; 3 years-60%; 4 years-80%; 5 years-100%
 4. ☐ Cliff: 100% vesting after _____ (not to exceed 15) years
 5. ☐ Other graded vesting schedule (must provide for full vesting no later than 15 years of service; add additional lines as necessary)

Years (or Periods) of Service	Percentage
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %

NOTE: If any Part-time/Seasonal/Temporary Employees who are not covered under Social Security are participating in this Plan as a Social Security Replacement Plan, any contributions used to satisfy the minimum contribution requirements of Question 24.e. will be 100% vested.

18. VESTING OPTIONS

Excluded vesting service. The following Years of Service will be disregarded for vesting purposes (select all that apply; leave blank if none apply):

- a. ☐ Service prior to the initial Effective Date of the Plan or a predecessor plan (as defined in Regulations §1.411(a)-5(b)(3))
- b. ☐ Service prior to the computation period in which an Employee has attained age _____.
- c. ☐ Service during a period for which an Employee did not make mandatory Employee contributions.

Vesting for death, Total And Permanent Disability and Early/Normal Retirement. Regardless of the vesting schedule, a Participant will become fully Vested upon (select all that apply; leave blank if none apply):

- d. ☒ Death
- e. ☒ Total and Permanent Disability
- f. ☐ Early Retirement Date
- g. ☒ Normal Retirement Age

RETIREMENT AGES

19. NORMAL RETIREMENT AGE ("NRA") (Plan Section 1.33) means:

This Question 19 and Question 20 may be skipped if the Plan does not base any benefits, distributions or other features on Normal Retirement Age.

- a. ☐ **Specific age.** The date a Participant attains age _____
- b. ☒ **Age/participation.** The later of the date a Participant attains age 55 or the 4th anniversary of the first day of the Plan Year in which participation in the Plan commenced
- c. ☐ **Other:** _____ (must be definitely determinable)

NOTE: If this is a Money Purchase Pension Plan and in-service distributions at Normal Retirement Age are permitted, then the Normal Retirement Age cannot be less than age 62, or age 50 if substantially all Participants are qualified public safety employees (as defined in Code §72(t)(1)). The "substantially all" requirement for qualified public safety employees will no longer be a requirement as of the effective date of the final regulations once they are issued & effective. If an age less than 62 is inserted (unless the age 50 safe harbor is applicable for a qualified public safety employee), no reliance will be afforded on the Opinion Letter issued to the Plan that such age is reasonably representative of the typical retirement age for the industry in which the Participants works. Effective for Employees hired during Plan Years beginning on or after the later of (1) January 1, 2015, or (2) the close of the first legislative session of the legislative body with the authority to amend the plan that begins on or after the date that is three (3) months after the final regulations are published in the Federal Register, an NRA of less than age 62 must comply with the final regulations under §401(a).

Qualified public safety employees. Normal Retirement Age for public safety employees (as defined in Code §72(t)(1)) (leave blank if not applicable)

- d. ☒ Age 50 (may not be less than 50 for a Money Purchase Pension Plan or 40 for a Profit Sharing Plan)

20. NORMAL RETIREMENT DATE (Plan Section 1.34) means, with respect to any Participant, the:

- a. ☒ date on which the Participant attains "NRA"
- b. ☐ first day of the month coinciding with or next following the Participant's "NRA"
- c. ☐ first day of the month nearest the Participant's "NRA"
- d. ☐ Anniversary Date coinciding with or next following the Participant's "NRA"
- e. ☐ Anniversary Date nearest the Participant's "NRA"
- f. ☐ Other: _____ (e.g., first day of the month following the Participant's "NRA").

21. EARLY RETIREMENT DATE (Plan Section 1.15)
- ☒ N/A (no early retirement provision provided)
 - ☐ Early Retirement Date means the:
 - ☐ date on which a Participant satisfies the early retirement requirements
 - ☐ first day of the month coinciding with or next following the date on which a Participant satisfies the early retirement requirements
 - ☐ Anniversary Date coinciding with or next following the date on which a Participant satisfies the early retirement requirements
- Early retirement requirements**
- ☐ Participant attains age _____
AND, completes.... (leave blank if not applicable)
 - ☐ at least _____ Years (or Periods) of Service for vesting purposes
 - ☐ at least _____ Years (or Periods) of Service for eligibility purposes
 - ☐ Early Retirement Date means: _____ (must be definitely determinable)

COMPENSATION

22. COMPENSATION with respect to any Participant is defined as follows (Plan Sections 1.10 and 1.23).

Base definition

- ☒ Wages, tips and other compensation on Form W-2
- ☐ Code §3401(a) wages (wages for withholding purposes)
- ☐ 415 safe harbor compensation

NOTE: Plan Section 1.10(c) provides that the base definition of Compensation includes deferrals that are not included in income due to Code §§401(k), 125, 132(f)(4), 403(b), 402(h)(1)(B)(SEP), 414(h)(2), & 457.

Determination period. Compensation will be based on the following "determination period" (this will also be the Limitation Year unless otherwise elected at option f. under Section B of Appendix A):

- ☒ the Plan Year
- ☐ the Fiscal Year coinciding with or ending within the Plan Year
- ☐ the calendar year coinciding with or ending within the Plan Year

Adjustments to Compensation (for Plan Section 1.10). Compensation will be adjusted by:

- ☐ **No adjustments** (skip to Question 23. below)
- ☒ **Adjustments.** Compensation will be adjusted by (select all that apply):
 - ☐ excluding salary reductions (401(k), 125, 132(f)(4), 403(b), SEP, 414(h)(2) pickup, & 457)
 - ☐ excluding reimbursements or other expense allowances, fringe benefits (cash or non-cash), moving expenses, deferred compensation (other than deferrals specified in 1. above) and welfare benefits.
 - ☒ excluding Compensation paid during the "determination period" while not a Participant in the Plan.
 - ☐ excluding Military Differential Pay
 - ☒ excluding overtime
 - ☒ excluding bonuses
 - ☒ other: As to All Contributions, call-in, on-call, gun allowance, food allowance, clothing allowance, cleaning allowance, car allowance, short-term disability, stipends, retention pay, sick leave payout at termination, or any other financial compensation from which pension contributions are not withheld are excluded (e.g., describe Compensation from the elections available above or a combination thereof as to a Participant group (e.g., no exclusions as to Division A Employees and exclude bonuses as to Division B Employees); and/or describe another exclusion (e.g., exclude shift differential pay)).

23. POST-SEVERANCE COMPENSATION (415 REGULATIONS)

415 Compensation (post-severance compensation adjustments) (select all that apply at a.; leave blank if none apply)

NOTE: Unless otherwise elected under a. below, the following defaults apply: 415 Compensation will **include** (to the extent provided in Plan Section 1.23), post-severance regular pay, leave cash-outs and payments from nonqualified unfunded deferred compensation plans.

- ☐ The defaults listed above apply except for the following (select one or more):
 - ☐ Leave cash-outs will be **excluded**
 - ☐ Nonqualified unfunded deferred compensation will be **excluded**
 - ☐ Disability continuation payments will be **included** for all Participants and the salary continuation will continue for the following fixed or determinable period: _____
 - ☐ Other: _____ (must be definitely determinable)

Plan Compensation (post-severance compensation adjustments)

- ☐ **Defaults apply.** Compensation will **include** (to the extent provided in Plan Section 1.10 and to the extent such amounts would be included in Compensation if paid prior to severance of employment) post-severance regular pay, leave cash-outs, and payments from nonqualified unfunded deferred compensation plans. (skip to Question 24)

- c. ☐ **Exclude all post-severance compensation.** Exclude all post-severance compensation for allocation purposes.
- d. ☒ **Post-severance adjustments.** The defaults listed at b. apply except for the following (select one or more):
1. ☐ Exclude all post-severance compensation
 2. ☐ Regular pay will be **excluded**
 3. ☐ Leave cash-outs will be **excluded**
 4. ☒ Nonqualified unfunded deferred compensation will be **excluded**
 5. ☐ Military Differential Pay will be **included**
 6. ☐ Disability continuation payments will be **included** for all Participants and the salary continuation will continue for the following fixed or determinable period: _____
- e. ☐ Other: _____ (must be definitely determinable)

CONTRIBUTIONS AND ALLOCATIONS

24. EMPLOYER CONTRIBUTIONS (OTHER THAN MATCHING CONTRIBUTIONS) (Plan Section 4.1(b)(3)) (skip to Question 26 if Employer contributions are NOT selected at Question 11.b.)

CONTRIBUTION FORMULA (select one or more of the following contribution formulas:)

- a. ☐ **Discretionary contribution (no groups).** (may not be elected if this Plan is a Money Purchase Pension Plan) The Employer may make a discretionary contribution, to be determined by the Employer. Any such contribution will be allocated to each Participant eligible to share in allocations in the same ratio as each Participant's Compensation bears to the total of such Compensation of all Participants.
- b. ☐ **Discretionary contribution (Grouping method).** (may not be elected if this Plan is a Money Purchase Pension Plan) The Employer may designate a discretionary contribution to be made on behalf of each Participant group selected below (only select 1. or 2.). The groups must be clearly defined in a manner that will not violate the definite predetermined allocation formula requirement of Regulation §1.401-1(b)(1)(ii). The Employer must notify the Trustee in writing of the amount of the Employer Contribution being given to each group.
1. ☐ Each Participant constitutes a separate classification.
 2. ☐ Participants will be divided into the following classifications with the allocation methods indicated under each classification.

Definition of classifications. Define each classification and specify the method of allocating the contribution among members of each classification. Classifications specified below must be clearly defined in a manner that will not violate the definitely determinable allocation requirement of Regulation §1.401-1(b)(1)(ii).

Classification A will consist of _____
 The allocation method will be: ☐ pro rata based on Compensation
☐ equal dollar amounts (per capita)

Classification B will consist of _____
 The allocation method will be: ☐ pro rata based on Compensation
☐ equal dollar amounts (per capita)

Classification C will consist of _____
 The allocation method will be: ☐ pro rata based on Compensation
☐ equal dollar amounts (per capita)

Classification D will consist of _____
 The allocation method will be: ☐ pro rata based on Compensation
☐ equal dollar amounts (per capita)

Additional Classifications: _____ (specify the classifications and which of the above allocation methods (pro rata or per capita) will be used for each classification).

NOTE: If more than four (4) classifications, the additional classifications and allocation methods may be attached as an addendum to the Adoption Agreement or may be entered under Additional Classifications above.

Determination of applicable group. If a Participant shifts from one classification to another during a Plan Year, then unless selected below, the Participant is in a classification based on the Participant's status as of the last day of the Plan Year, or if earlier, the date of termination of employment. If selected below, the Administrator will apportion the Participant's allocation during a Plan Year based on the following:

- a. ☐ Beginning of Plan Year. The classification will be based on the Participant's status as of the beginning of the Plan Year.
 - b. ☐ Months in each classification. Pro rata based on the number of months the Participant spent in each classification.
 - c. ☐ Days in each classification. Pro rata based on the number of days the Participant spent in each classification.
 - d. ☐ One classification only. The Employer will direct the Administrator to place the Participant in only one classification for the entire Plan Year during which the shift occurs.
- c. ☒ **Fixed contribution** equal to (only select one):
- 1. ☐ _____% of each Participant's Compensation for each:
 - a. ☐ Plan Year
 - b. ☐ calendar quarter
 - c. ☐ month
 - d. ☐ pay period
 - e. ☐ week
 - 2. ☐ \$_____ per Participant.
 - 3. ☐ \$_____ per Hour of Service worked while an Eligible Employee
 - a. ☐ up to _____ hours (leave blank if no limit)
 - 4. ☒ other: rates listed in attached addendum (the formula described must satisfy the definitely determinable requirement under Regulation §1.401-1(b)) **NOTE:** Under Question 24.c.4., the Employer may only describe the allocation of Nonelective Contributions from the elections available under Question 24.c of this Adoption Agreement and/or a combination thereof as to a Participant group (e.g., a monthly contribution applies to Group A).
- d. ☐ **Sick leave/vacation leave conversion.** The Employer will contribute an amount equal to an Employee's current hourly rate of pay multiplied by the Participant's number of unused accumulated sick leave and/or vacation days (as selected below). Only unpaid sick and vacation leave for which the Employee has no right to receive in cash may be included. In no event will the Employer's contribution for the Plan Year exceed the maximum contribution permitted under Code §415(c).

The following may be converted under the Plan: (select one or both):

- 1. ☐ Sick leave
- 2. ☐ Vacation leave

Eligible Employees. Only the following Participants shall receive the Employer contribution for sick leave and/or vacation leave (select 3. and/or 4; leave blank if no limitations provided, however, that this Plan may not be used to only provide benefits for terminated Employees)

- 3. ☐ **Former Employees.** All Employees terminating service with the Employer during the Plan Year and who have satisfied the eligibility requirements based on the terms of the Employer's accumulated benefits plans checked below (select all that apply; leave blank if no exclusions):
 - a. ☐ The Former Employee must be at least age _____ (e.g., 55)
 - b. ☐ The value of the sick and/or vacation leave must be at least \$ _____ (e.g., \$2,000)
 - c. ☐ A contribution will only be made if the total hours is over _____ (e.g., 10) hours
 - d. ☐ A contribution will not be made for hours in excess of _____ (e.g., 40) hours
 - 4. ☐ **Active Employees.** Active Employees who have not terminated service during the Plan Year and who meet the following requirements (select all that apply; leave blank if no exclusions):
 - a. ☐ The Employee must be at least age _____ (e.g., 55)
 - b. ☐ The value of the sick and/or vacation leave must be at least \$ _____ (e.g., \$2,000)
 - c. ☐ A contribution will only be made if the total hours is over _____ (e.g., 10) hours
 - d. ☐ A contribution will not be made for hours in excess of _____ (e.g., 40) hours
- e. ☐ **Social Security Replacement Plan.** Except as provided below, the Employer will contribute an amount equal to 7.5% of each eligible Participant's Compensation for the entire Plan Year, reduced by mandatory Employee contributions that are picked-up under Code §414(h) and Employer contributions to this Plan actually contributed to the Participant's Account during such Plan Year. (may only be selected if Question 11.b.1. has also been selected)
- AND**, only the following Employees will NOT be eligible for the Social Security Replacement Plan contribution: (select all that apply)
- 1. ☐ Part-time Employees who are not otherwise covered by another qualifying public retirement system as defined for purposes of Regulation §31.3121(b)(7)-2. A part-time Employee is an Employee whose regularly scheduled service is less than _____ Hours of Service in the relevant eligibility computation period (as defined in Plan Section 1.55).
 - 2. ☐ Seasonal Employees who are not otherwise covered by another qualifying public retirement system as defined for purposes of Regulation §31.3121(b)(7)-2. A seasonal Employee is an Employee who is categorized as a seasonal Employee on the Employer's payroll records.
 - 3. ☐ Temporary Employees who are not otherwise covered by another qualifying public retirement system as defined for purposes of Regulation §31.3121(b)(7)-2. A temporary Employee is an Employee who is categorized as a temporary Employee on the Employer's payroll records.

4. ☐ Employees in elective positions (filled by an election, which may be by legislative body, board or committee, or by a jurisdiction's qualified electorate)
5. ☐ Other: _____ (any other group of Employees that is definitely determinable and not eligible for the Social Security Replacement Plan contribution).

The minimum contribution of 7.5% stated above will be satisfied by:

- a. ☐ the Employee only (specify the contribution at the mandatory Employee contributions Question 30)
- b. ☐ the Employer only
- c. ☐ both the Employee and the Employer. The Employee shall contribute the amount specified in Question 30 for mandatory Employee contributions) and the Employer shall contribute _____% of each eligible Participant's Compensation.

NOTE: If a. or c. above is selected, then the mandatory Employee contribution must be picked-up by the Employer at Question 30. Also, if b. or c. above is selected, then the allocation conditions in Question 25 below do not apply to the Employer contribution made pursuant to this provision.

- f. ☐ Other: _____ (the formula described must satisfy the definitely determinable requirement under Regulation §1.401-1(b) and if this is a Money Purchase Pension, it must not be a discretionary contribution formula). **NOTE:** Under Question 24.f., the Employer may only describe the allocation of Nonelective Contributions from the elections available under Question 24 and/or a combination thereof as to a Participant group or contribution type (e.g., pro rata allocation applies to Group A; contributions to other Employees will be allocated in accordance with the classifications allocation provisions of Plan Section 4.3 with each Participant constituting a separate classification).

25. ALLOCATION CONDITIONS (Plan Section 4.3). If 24.a., b., c., or f. is selected above, indicate requirements to share in allocations of Employer contributions (select a. OR b. and all that apply at c. - e.)

- a. ☒ **No conditions.** All Participants share in the allocations regardless of service completed during the Plan Year or employment status on the last day of the Plan Year (skip to Question 26).

- b. ☐ **Allocation conditions apply** (select one of 1. - 5. AND one of 6. - 9. below)

Conditions for Participants NOT employed on the last day of the Plan Year

1. ☐ A Participant must complete at least _____ (not to exceed 500) Hours of Service if the actual hours/equivalency method is selected (or at least _____ (not to exceed 3) months of service if the elapsed time method is selected).
2. ☐ A Participant must complete a Year of Service (or Period of Service if the elapsed time method is selected).
3. ☐ Participants will NOT share in the allocations, regardless of service.
4. ☐ Participants will share in the allocations, regardless of service.
5. ☐ Other: _____ (must be definitely determinable and not subject to Employer discretion)

Conditions for Participants employed on the last day of the Plan Year

6. ☐ No service requirement.
7. ☐ A Participant must complete a Year of Service (or Period of Service if the elapsed time method is selected).
8. ☐ A Participant must complete at least _____ Hours of Service during the Plan Year.
9. ☐ Other: _____ (must be definitely determinable and not subject to Employer discretion)

Waiver of conditions for Participants NOT employed on the last day of the Plan Year. If b.1., 2., 3., or 5. above is selected, Participants who are not employed on the last day of the Plan Year in which one of the following events occur will be eligible to share in the allocations regardless of the above conditions (select all that apply; leave blank if none apply):

- c. ☐ Death
- d. ☐ Total and Permanent Disability
- e. ☐ Termination of employment on or after Normal Retirement Age
1. ☐ or Early Retirement Date

26. EMPLOYER MATCHING CONTRIBUTIONS (Plan Section 4.1(b)(2) and Plan Section 4.12). (skip to Question 29 if matching contributions are NOT selected at Question 11.c.) The Employer will (or may with respect to any discretionary contribution) make the following matching contributions:

- A. **Employee contributions taken into account.** For purposes of applying the matching contribution provisions below, the following amounts are being matched (hereafter referred to as "matched Employee contributions" (select one or more):

- a. ☐ Elective deferrals to a **457 plan**. Enter Plan name(s): _____
- b. ☐ Elective deferrals to a **403(b) plan**. Enter Plan name(s): _____
- c. ☐ Voluntary Employee Contributions
- d. ☐ Other: _____ (specify amounts that are matched under this Plan and are provided for within this Adoption Agreement)

B. Matching Formula. (select one)

- e. ☐ **Fixed - uniform rate/amount.** The Employer will make matching contributions equal to ____% (e.g., 50) of the Participant's "matched Employee contributions"

1. ☐ that do not exceed ____% of a Participant's Compensation (leave blank if no limit)

Additional matching contribution (choose 2. if applicable):

2. ☐ plus an additional matching contribution of a discretionary percentage determined by the Employer,
 a. ☐ but not to exceed ____% of Compensation. Such contribution is subject to the Instructions and Notice requirement of Section 4.12.

- f. ☐ **Fixed - tiered.** The Employer will make matching contributions equal to a uniform percentage of each tier of each Participant's "matched Employee contributions", determined as follows:

NOTE: Fill in only percentages or dollar amounts, but not both. If percentages are used, each tier represents the amount of the Participant's applicable contributions that equals the specified percentage of the Participant's Compensation (add additional tiers if necessary):

Tiers of Contributions (indicate \$ or %)	Matching Percentage
First _____	_____ %
Next _____	_____ %
Next _____	_____ %
Next _____	_____ %

- g. ☐ **Fixed - Years of Service.** The Employer will make matching contributions equal to a uniform percentage of each Participant's "matched Employee contributions" based on the Participant's Years of Service (or Periods of Service if the elapsed time method is selected), determined as follows (add additional tiers if necessary):

Years (or Periods) of Service	Matching Percentage
_____	_____ %
_____	_____ %
_____	_____ %

For purposes of the above matching contribution formula, a Year (or Period) of Service means a Year (or Period) of Service for:

1. ☐ vesting purposes
 2. ☐ eligibility purposes

- h. ☐ **Flexible Discretionary Match.** (may not be elected if this Plan is a Money Purchase Pension Plan) "Flexible Discretionary Match" means a Matching Contribution which the Employer in its sole discretion elects to make to the Plan. Except as specified below, the Employer retains discretion over the formula or formulas for allocating the Flexible Discretionary Match, including the Discretionary Matching Contribution rate or amount, the limit(s) on Elective Deferrals or Employee Contributions subject to match, the per Participant match allocation limit(s), the Participants or categories of Participants who will receive the allocation, and the time period applicable to any matching formula(s) (collectively, the "Flexible Discretionary Matching Formula"), except as the Employer otherwise elects in its Adoption Agreement. Such contributions will be subject to the Instructions and Notice requirement of Section 4.12, reproduced below, unless the Employer elects to use a "Rigid Discretionary Match" in Election 26.B.h.1. below.

The discretionary matching contribution under this Question 26.B.h. is a "Flexible Discretionary Match" unless the Employer elects to use a "Rigid Discretionary Match." (Choose 1. if applicable.)

1. ☐ **Rigid Discretionary Match.** A "Rigid Discretionary Match" means a Matching Contribution which the Employer in its sole discretion elects to make to the Plan. Such discretion will only pertain to the amount of the annual contribution. The Employer must select the allocation method for this Contribution by selecting among those Adoption Agreement options which confer no Employer Discretion regarding the allocation of such discretionary amount, for example, the limit(s) on Elective Deferrals or Employee Contributions subject to match, the per Participant match allocation limit(s), the Participants who will receive the allocation, and the time period applicable to any matching formula(s). This "Rigid Discretionary Match" is not subject to the Instructions and Notice requirement of Section 4.12.

Section 4.12 provides: INSTRUCTIONS TO ADMINISTRATOR AND NOTIFICATION TO PARTICIPANTS. For Plan Years beginning after the end of the Plan Year in which this document is first adopted, if a "Flexible Discretionary Match" contribution formula applies (i.e., a formula that provides an Employer with discretion regarding how to *allocate* a matching contribution to Participants) and the Employer makes a "Flexible Discretionary Match" to the Plan, the Employer must provide the Plan Administrator or Trustee written instructions describing (1) how the "Flexible Discretionary Match" formula will be allocated to Participants (e.g., a uniform percentage of Elective Deferrals or a flat dollar amount), (2) the computation period(s) to which the "Flexible Discretionary Match" formula applies, and (3) if applicable,

a description of each business location or business classification subject to separate "Flexible Discretionary Match" allocation formulas. Such instructions must be provided no later than the date on which the "Flexible Discretionary Match" is made to the Plan. A summary of these instructions must be communicated to Participants who receive an allocation of the "Flexible Discretionary Match" no later than 60 days following the date on which the last "Flexible Discretionary Match" contribution is made to the Plan for the Plan Year.

- i. ☐ **Discretionary - tiered.** (may not be elected if this Plan is a Money Purchase Pension Plan) The Employer may make matching contributions equal to a discretionary percentage of a Participant's "matched Employee contributions," to be determined by the Employer, of each tier, to be determined by the Employer. Such discretion will only pertain to the amount of the contribution. The tiers may be based on the rate of a Participant's "matched Employee contributions" or Years of Service. Such contribution is subject to the Instructions and Notice requirement of Section 4.12.
NOTE: Fill in only percentages or dollar amounts, but not both. If percentages are used, each tier represents the amount of the Participant's applicable contributions that equals the specified percentage of the Participant's Compensation (add additional tiers if necessary):

Tiers of Contributions (indicate \$ or %)	Matching Percentage
First _____	_____ %
Next _____	_____ %
Next _____	_____ %
Next _____	_____ %

- j. ☐ Other: _____ (the formula described must satisfy the definitely determinable requirement under Regulation §1.401-1(b) and if this is a Money Purchase Pension Plan, it must not be a discretionary contribution formula. **NOTE:** Under Question 26.B.j., the Employer may only describe the allocation of Matching Contributions from the elections available under Question 26 and/or a combination thereof as to a Participant group or contribution type (e.g., fixed – uniform rate applies to Group A; contributions to other Employees will be allocated as a tiered contribution.)

27. **MATCHING CONTRIBUTION PROVISIONS**

- A. **Maximum matching contribution.** The total matching contribution made on behalf of any Participant for any Plan Year will not exceed:
- a. ☐ N/A (no Plan specific limit on the amount of matching contribution)
- b. ☐ \$_____.
- c. ☐ _____% of Compensation.
- B. **Period of determination.** Any matching contribution other than a "Flexible Discretionary Match" will be applied on the following basis (and "matched Employee contributions" and any Compensation or dollar limitation used in determining the matching contribution will be based on the applicable period. Skip if the only Matching Contribution is a Flexible Discretionary Match.):
- d. ☐ the Plan Year (potential annual true-up required)
- e. ☐ each payroll period (no true-up)
- f. ☐ each month (potential monthly true-up required)
- g. ☐ each Plan Year quarter (potential quarterly true-up required)
- h. ☐ each payroll unit (e.g., hour) (no true-up)
- i. ☐ Other (specify): _____ The time period described must be definitely determinable under Treas. Reg. §1.401-1(b). This line may be used to apply different options to different matching contributions (e.g., Discretionary matching contributions will be allocated on a Plan Year period while fixed matching contributions will be allocated on each payroll period.) Such contribution period is subject to the Instructions and Notice requirement of Section 4.12.

28. **ALLOCATION CONDITIONS** (Plan Section 4.3) Select a. OR b. and all that apply of c. - h.

- a. ☐ **No conditions.** All Participants share in the allocations regardless of service completed during the Plan Year or employment status on the last day of the Plan Year (skip to Question 29).
- b. ☐ **Allocation conditions apply** (select one of 1. - 5. AND one of 6. - 9. below)
- Conditions for Participants NOT employed on the last day of the Plan Year.**
1. ☐ A Participant must complete more than _____ Hours of Service (or _____ months of service if the elapsed time method is selected).
2. ☐ A Participant must complete a Year of Service (or Period of Service if the elapsed time method is selected).
3. ☐ Participants will NOT share in the allocations, regardless of service.
4. ☐ Participants will share in the allocations, regardless of service.
5. ☐ Other: _____ (must be definitely determinable)
- Conditions for Participants employed on the last day of the Plan Year**
6. ☐ No service requirement.
7. ☐ A Participant must complete a Year of Service (or Period of Service if the elapsed time method is selected).
8. ☐ A Participant must complete at least _____ Hours of Service during the Plan Year.

9. ☐ Other: _____ (must be definitely determinable and not subject to Employer discretion)

Waiver of conditions for Participants NOT employed on the last day of the Plan Year. If b.1., 2., 3., or 5. is selected, Participants who are not employed on the last day of the Plan Year in which one of the following events occur will be eligible to share in the allocations regardless of the above conditions (select all that apply; leave blank if none apply):

- c. ☐ Death
 d. ☐ Total and Permanent Disability
 e. ☐ Termination of employment on or after Normal Retirement Age
 1. ☐ or Early Retirement Date

Conditions based on period other than Plan Year. The allocation conditions above will be applied based on the Plan Year unless otherwise selected below. If selected, the above provisions will be applied by substituting the term Plan Year with the specified period (e.g., if Plan Year quarter is selected below and the allocation condition is 250 Hours of Service per quarter, enter 250 hours (not 1000) at b.8. above).

- f. ☐ The Plan Year quarter.
 g. ☐ Payroll period.
 h. ☐ Other: _____ (must be definitely determinable and not subject to Employer discretion and may not be longer than a twelve month period).

29. **FORFEITURES** (Plan Sections 1.21 and 4.3(e))

Timing of Forfeitures. Except as provided in Plan Section 1.21, a Forfeiture will occur:

- a. ☐ N/A (may only be selected if all contributions are fully Vested (default provisions at Plan Section 4.3(e) apply))
 b. ☒ As of the earlier of (1) the last day of the Plan Year in which the former Participant incurs five (5) consecutive 1-Year Breaks in Service, or (2) the distribution of the entire Vested portion of the Participant's Account.
 c. ☐ As of the last day of the Plan Year in which the former Participant incurs five (5) consecutive 1-Year Breaks in Service.
 d. ☐ As soon as reasonably practical after the date the Participant severs employment.

Use of Forfeitures. (skip if this is NOT a Money Purchase Pension Plan; for Profit Sharing Plans, Forfeitures are disposed of in accordance with Employer direction that is consistent with Section 4.3(e)).

Forfeitures will be (select one):

- e. ☐ added to the Employer contribution and allocated in the same manner
 f. ☐ used to reduce any Employer contribution
 g. ☐ allocated to all Participants eligible to share in the allocations of Employer contributions or Forfeitures in the same proportion that each Participant's Compensation for the Plan Year bears to the Compensation of all Participants for such year
 h. ☒ other: used to pay plan expenses (describe the treatment of Forfeitures in a manner that is definitely determinable and that is not subject to Employer discretion)

30. **MANDATORY EMPLOYEE CONTRIBUTIONS** (Plan Section 4.8) (skip if mandatory Employee contributions NOT selected at Question 11.d.)

Type of mandatory Employee Contribution. The mandatory Employee contribution is being made in accordance with the following: (select one)

- a. ☒ The mandatory Employee contribution is a condition of employment.
 b. ☐ The Employee must make, on or before first being eligible to participate under any Plan of the Employer, an irrevocable election to contribute the mandatory Employee contribution to the Plan. No Eligible Employee will become a Participant unless the Employee makes such an irrevocable election.

Amount of mandatory Employee Contribution (select one)

- c. ☒ An Eligible Employee must contribute to the Plan rates listed in the attached addendum (not to exceed 25%) of Compensation.
 d. ☐ An Eligible Employee must, prior to his or her first Entry Date, make a one-time irrevocable election to contribute to the Plan from _____% (not less than 1%) to _____% (not to exceed 25%) of Compensation.

Conditions of Mandatory Employee Contributions

- e. ☐ **Additional provisions and conditions:** _____ (must be definitely determinable; e.g., Only full-time Employees must make mandatory Employee contributions)

Employer pick-up contribution. The mandatory Employee contribution is "picked-up" by the Employer under Code §414(h)(2) unless elected below. (select if applicable)

- f. ☐ The mandatory Employee contribution is not "picked-up" by the Employer.

DISTRIBUTIONS

31. FORM OF DISTRIBUTIONS (Plan Sections 6.5 and 6.6)

Distributions under the Plan may be made in (select all that apply; must select at least one):

- a. ☒ lump-sums
- b. ☒ substantially equal installments
- c. ☒ partial withdrawals, provided the minimum withdrawal is \$_____ (leave blank if no minimum)
- d. ☐ partial withdrawals or installments are only permitted for Participants or Beneficiaries who must receive required minimum distributions under Code §401(a)(9) except for the following (leave blank if no exceptions):
 - 1. ☐ Only Participants (and not Beneficiaries) may elect partial withdrawals or installments
 - 2. ☐ Other: _____ (e.g., partial is not permitted for death benefits. Must be definitely determinable and not subject to Employer discretion.)
- e. ☒ annuity: Fixed: monthly, quarterly, semi-annually or annually over period certain of 3-20 years; monthly of participant's life or if longer, period certain 5, 10, 15, 20; monthly over participant's life; monthly of participant's life continuing for beneficiary's life of 50% or 100%. Variable: monthly of participant's life or if longer, period certain 5, 10, 15, 20; monthly over participant's life; monthly of participant's life continuing for beneficiary's life of 50% or 100%. (describe the form of annuity or annuities)
- f. ☐ other: _____ (must be definitely determinable and not subject to Employer discretion)

NOTE: Regardless of the above, a Participant is not required to request a withdrawal of his or her total Account for an in-service distribution, a hardship distribution, or a distribution from the Participant's Rollover Account.

Cash or property. Distributions may be made in:

- g. ☒ cash only, except for (select all that apply; leave blank if none apply):
 - 1. ☐ insurance Contracts
 - 2. ☐ annuity Contracts
 - 3. ☐ Participant loans
 - 4. ☐ all investments in an open brokerage window or similar arrangement
- h. ☐ cash or property, except that the following limitation(s) apply: (leave blank if there are no limitations on property distributions):
 - 1. ☐ _____ (must be definitely determinable and not subject to Employer discretion)

Joint and Survivor Annuity provisions. (Plan Sections 6.5(e) and 6.6(e) (select one) The Joint and Survivor Annuity provisions do not apply to the Plan unless selected below (choose if applicable)

- i. ☐ **Joint and Survivor Annuity applicable as normal form of distribution.** The Joint and Survivor annuity rules set forth in Plan Sections 6.5(e) and 6.5(f) apply to all Participants (if selected, then annuities are a form of distribution under the Plan even if e. above is not selected)
- j. ☐ **Joint and Survivor Annuity rules apply based on Participant election.** Plan Section 6.5(f) will apply and the joint and survivor rules of Code §§401(a)(11) and 417 (as set forth in Plan Sections 6.5(e) and 6.6(e) will apply only if an annuity form of distribution is selected by a Participant.

AND, if i. or j. is selected above, the one-year marriage rule does not apply unless selected below (choose if applicable).

- 1. ☐ The one-year marriage rule applies.

Spousal consent requirements. Spousal consent is not required for any Plan provisions (except as otherwise elected in i. above for the joint and survivor annuity rules) unless selected below (choose if applicable)

- k. ☐ **Required for all distributions.** A Spouse must consent to all distributions (other than required minimum distributions).
- l. ☐ **Beneficiary designations.** A married Participant's Spouse will be the Beneficiary of the entire death benefit unless the Spouse consents to an alternate Beneficiary.

AND, if k. or l. is selected, the one-year marriage rule does not apply unless selected below (choose if applicable).

- 1. ☐ The one-year marriage rule applies.

32. CONDITIONS FOR DISTRIBUTIONS UPON SEVERANCE OF EMPLOYMENT. Distributions upon severance of employment pursuant to Plan Section 6.4(a) will not be made unless the following conditions have been satisfied:

A. Accounts in excess of \$5,000

- a. ☐ Distributions may be made as soon as administratively feasible following severance of employment.
- b. ☐ Distributions may be made as soon as administratively feasible after the last day of the Plan Year coincident with or next following severance of employment.
- c. ☐ Distributions may be made as soon as administratively feasible after the last day of the Plan Year quarter coincident with or next following severance of employment.
- d. ☐ Distributions may be made as soon as administratively feasible after the Valuation Date coincident with or next following severance of employment.

- e. ☐ Distributions may be made as soon as administratively feasible after _____ months have elapsed following severance of employment.
- f. ☐ No distributions may be made until a Participant has reached Early or Normal Retirement Date.
- g. ☒ Other: As soon as administratively practicable following the Participant's formal request for the distribution. The Participant may only request the distribution after 30 days following Severance from Employment (must be objective conditions which are ascertainable and may not exceed the limits of Code §401(a)(14) as set forth in Plan Section 6.7)

B. Accounts of \$5,000 or less

- h. ☐ Same as above
- i. ☐ Distributions may be made as soon as administratively feasible following severance of employment.
- j. ☐ Distributions may be made as soon as administratively feasible after the last day of the Plan Year coincident with or next following severance of employment.
- k. ☒ Other: As soon as administratively practicable following the Participant's formal request for the distribution. The Participant may only request the distribution after 30 days following Severance from Employment. If no formal request is made, the mandatory distribution provisions under Election 34.D.(n) apply (must be objective conditions which are ascertainable and may not exceed the limits of Code §401(a)(14) as set forth in Plan Section 6.7)

C. Timing after initial distributable event. If a distribution is not made in accordance with the above provisions upon the occurrence of the distributable event, then a Participant may elect a subsequent distribution at any time after the time the amount was first distributable (assuming the amount is still distributable), unless otherwise selected below (may not be selected with 32.f. and 32.h.):

- l. ☐ Other: _____ (e.g., a subsequent distribution request may only be made in accordance with l. above (i.e., the last day of another Plan Year); must be objective conditions which are ascertainable and may not exceed the limits of Code §401(a)(14) as set forth in Plan Section 6.7)

D. Participant consent (i.e., involuntary cash-outs). Should Vested Account balances less than a certain dollar threshold be automatically distributed without Participant consent (mandatory distributions)?

NOTE: The Plan provides that distributions of amounts of \$5,000 or less are only paid as lump-sums.

- m. ☐ No, Participant consent is required for all distributions.
- n. ☒ Yes, Participant consent is required only if the distribution is over:
 - 1. ☐ \$5,000
 - 2. ☒ \$1,000
 - 3. ☐ \$_____ (less than \$1,000)

NOTE: If 2. or 3. is selected, rollovers will be included in determining the threshold for Participant consent.

Automatic IRA rollover. With respect to mandatory distributions of amounts that are \$1,000 or less, if a Participant makes no election, the amount will be distributed as a lump-sum unless selected below.

- 4. ☐ If a Participant makes no election, then the amount will be automatically rolled over to an IRA provided the amount is at least \$_____ (e.g., \$200).

E. Rollovers in determination of \$5,000 threshold. Unless otherwise elected below, amounts attributable to rollover contributions (if any) will be **included** in determining the \$5,000 threshold for timing of distributions, form of distributions, or consent rules.

- o. ☐ Exclude rollovers (rollover contributions will be **excluded** in determining the \$5,000 threshold)

NOTE: Regardless of the above election, if the Participant consent threshold is \$1,000 or less, then the Administrator must include amounts attributable to rollovers for such purpose. In such case, an election to exclude rollovers above will apply for purposes of the timing and form of distributions.

33. DISTRIBUTIONS UPON DEATH (Plan Section 6.8(b)(2))

Distributions upon the death of a Participant prior to the "required beginning date" will:

- a. ☒ be made pursuant to the election of the Participant or "designated Beneficiary"
- b. ☐ begin within 1 year of death for a "designated Beneficiary" and be payable over the life (or over a period not exceeding the "life expectancy") of such Beneficiary, except that if the "designated Beneficiary" is the Participant's Spouse, begin prior to December 31st of the year in which the Participant would have attained age 70 1/2
- c. ☐ be made within 5 (or if lesser _____) years of death for all Beneficiaries
- d. ☐ be made within 5 (or if lesser _____) years of death for all Beneficiaries, except that if the "designated Beneficiary" is the Participant's Spouse, begin prior to December 31st of the year in which the Participant would have attained age 70 1/2 and be payable over the life (or over a period not exceeding the "life expectancy") of such "surviving Spouse"

NOTE: The elections above must be coordinated with the Form of distributions (e.g., if the Plan only permits lump-sum distributions, then options a., b. and d. would not be applicable).

34. OTHER PERMITTED DISTRIBUTIONS (select all that apply; leave blank if none apply)

A. IN-SERVICE DISTRIBUTIONS (Plan Section 6.11)

In-service distributions will NOT be allowed (except as otherwise permitted under the Plan without regard to this provision) unless selected below (if applicable, answer a. - e.; leave blank if not applicable):

- a. ☐ In-service distributions may be made to a Participant who has not separated from service provided the following has been satisfied (select one or more) (options 2. - 5. may only be selected with Profit Sharing Plans):
 - 1. ☐ Age. The Participant has reached: (select one)
 - a. ☐ Normal Retirement Age
 - b. ☐ age 62
 - c. ☐ age 59 1/2 (may not be selected if a Money Purchase Pension Plan)
 - d. ☐ age _____ (may not be less than age 62 for Money Purchase Pension Plans)
 - 2. ☐ the Participant has been a Participant in the Plan for at least _____ years (may not be less than five (5))
 - 3. ☐ the amounts being distributed have accumulated in the Plan for at least 2 years
 - 4. ☐ other: _____ (must satisfy the definitely determinable requirement under Regulations §401-1(b); may not be subject to Employer discretion; and must be limited to a combination of items a.1. – a.3. or a Participant's disability.)

More than one condition. If more than one condition is selected above, then a Participant only needs to satisfy one of the conditions, unless selected below:

- 5. ☐ A Participant must satisfy each condition

NOTE: Distributions from a Transfer Account attributable to a Money Purchase Pension Plan are not permitted prior to age 62.

Account restrictions. In-service distributions are permitted from the following Participant Accounts:

- b. ☐ all Accounts
- c. ☐ only from the following Accounts (select one or more):
 - 1. ☐ Account attributable to Employer matching contributions
 - 2. ☐ Account attributable to Employer contributions other than matching contributions
 - 3. ☐ Rollover Account
 - 4. ☐ Transfer Account

Permitted from the following assets attributable to (select one or both):

 - a. ☐ non-pension assets
 - b. ☐ pension assets (e.g., from a Money Purchase Pension Plan)
- 5. ☐ Mandatory Employee Contribution Account
- 6. ☐ Other: _____ (specify Account(s) and conditions in a manner that satisfies the definitely determinable requirement under Regulation §1.401-1(b) and is not subject to Employer discretion)

Limitations. The following limitations apply to in-service distributions:

- d. ☐ N/A (no additional limitations)
- e. ☐ Additional limitations (select one or more):
 - 1. ☐ The minimum amount of a distribution is \$_____.
 - 2. ☐ No more than _____ distribution(s) may be made to a Participant during a Plan Year.
 - 3. ☐ Distributions may only be made from Accounts which are fully Vested.
 - 4. ☐ In-service distributions may be made subject to the following provisions: _____ (must satisfy the definitely determinable requirement under Regulation §1.401-1(b) and not be subject to Employer discretion).

B. HARDSHIP DISTRIBUTIONS (Plan Sections 6.12) (may not be selected if this is a Money Purchase Pension Plan)

Hardship distributions will NOT be allowed (except as otherwise permitted under the Plan without regard to this provision) unless selected below (leave blank if not applicable):

- f. ☐ Hardship distributions are permitted from the following Participant Accounts:

- 1. ☐ all Accounts
- 2. ☐ only from the following Accounts (select one or more):
 - a. ☐ Account attributable to Employer matching contributions
 - b. ☐ Account attributable to Employer contributions other than matching contributions
 - c. ☐ Rollover Account (if not available at any time under Question 36)
 - d. ☐ Transfer Account (other than amounts attributable to a money purchase pension plan)
 - e. ☐ Mandatory Employee Contribution Account
 - f. ☐ Other: _____ (specify Account(s) and conditions in a manner that is definitely determinable and not subject to Employer discretion)

NOTE: Hardship distributions are NOT permitted from a Transfer Account attributable to pension assets (e.g., from a Money Purchase Pension Plan).

Additional limitations. The following limitations apply to hardship distributions:

- 3. ☐ N/A (no additional limitations)

4. ☐ Additional limitations (select one or more):
- a. ☐ The minimum amount of a distribution is \$_____.
 - b. ☐ No more than _____ distribution(s) may be made to a Participant during a Plan Year.
 - c. ☐ Distributions may only be made from Accounts which are fully Vested.
 - d. ☐ A Participant does not include a Former Employee at the time of the hardship distribution.
 - e. ☐ Hardship distributions may be made subject to the following provisions: _____ (must satisfy the definitely determinable requirement under Regulation §1.401-1(b) and not be subject to Employer discretion).

Beneficiary Hardship. Hardship distributions for Beneficiary expenses are NOT allowed unless otherwise selected below.

5. ☐ Hardship distributions for expenses of Beneficiaries are allowed
- Special effective date** (may be left blank if effective date is same as the Plan or Restatement Effective Date; select a. and, if applicable, b.)
- a. ☐ effective as of _____
 - b. ☐ eliminated effective as of _____.

MISCELLANEOUS

35. **LOANS TO PARTICIPANTS** (Plan Section 7.4)
- a. ☐ New loans are NOT permitted.
 - b. ☒ New loans are permitted.
- NOTE:** Regardless of whether new loans are permitted, if the Plan permits rollovers and/or plan-to-plan transfers, then the Administrator may, in a uniform manner, accept rollovers and/or plan-to-plan transfers of loans into this Plan.
36. **ROLLOVERS** (Plan Section 4.6) (skip if rollover contributions are NOT selected at 11.f.)
- Eligibility.** Rollovers may be accepted from all Participants who are Employees as well as the following (select all that apply; leave blank if not applicable):
- a. ☒ Any Eligible Employee, even prior to meeting eligibility conditions to be a Participant
 - b. ☒ Participants who are Former Employees
- Distributions.** When may distributions be made from a Participant's Rollover Account?
- c. ☒ At any time
 - d. ☐ Only when the Participant is otherwise entitled to any distribution under the Plan
37. **HEART ACT** (Plan Section 4.11) (select one or more)
- a. ☒ **HEART ACT Continued benefit accruals.** Continued benefit accruals will apply
 - b. ☒ **Distributions for deemed severance of employment.** The Plan permits distributions for deemed severance of employment.

Reliance on Provider Opinion Letter. The Provider has obtained from the IRS an Opinion Letter specifying the form of this document satisfies Code §401 as of the date of the Opinion Letter. An adopting Employer may rely on the Provider's IRS Opinion Letter *only* to the extent provided in Rev. Proc. 2017-41 or subsequent guidance. The Employer may not rely on the Opinion Letter in certain other circumstances or with respect to certain qualification requirements, which are specified in the Opinion Letter and in Rev. Proc. 2017-41 or subsequent guidance. In order to have reliance in such circumstances or with respect to such qualification requirements, the Employer must apply for a determination letter to Employee Plans Determinations of the IRS.

An Employer who has ever maintained or who later adopts an individual medical account, as defined in Code §415(l)(2)) in addition to this Plan may not rely on the opinion letter issued by the Internal Revenue Service with respect to the requirements of Code§415.

This Adoption Agreement may be used only in conjunction with the basic Plan document #03. This Adoption Agreement and the basic Plan document will together be known as Great-West Trust Company, LLC Non-Standardized Governmental 401(a) Pre-Approved Plan #002.

The adoption of this Plan, its qualification by the IRS, and the related tax consequences are the responsibility of the Employer and its independent tax and legal advisors.

Execution for Page Substitution Amendment Only. If this paragraph is completed, this Execution Page documents an amendment to Adoption Agreement Election(s) _____ effective _____, by substitute Adoption Agreement page number(s) _____. The Employer should retain all Adoption Agreement Execution Pages and amended pages. (*Note: The Effective Date may be retroactive or may be prospective.*)

The Provider, Great-West Trust Company, LLC will notify the Employer of any amendment to this Pre-approved Plan or of any abandonment or discontinuance by the Provider of its maintenance of this Pre-approved Plan. In addition, this Plan is provided to the Employer either in connection with investment in a product or pursuant to a contract or other arrangement for products and/or services. Upon cessation of such investment in a product or cessation of such contract or arrangement, as applicable, the Employer is no longer considered to be an adopter of this Plan and Great-West Trust Company, LLC no longer has any obligations to the Employer that relate to the adoption of this Plan. For inquiries regarding the adoption of the Pre-approved Plan, the Provider's intended meaning of any Plan provisions or the effect of the Opinion Letter issued to the Provider, please contact the Provider or the Provider's representative.

Provider Name: Great-West Trust Company, LLC

Address: 8515 East Orchard Road

Greenwood Village

Colorado

80111

Telephone Number: (877) 694-4015

Email address (optional): _____

The Employer, by executing below, hereby adopts this Plan (add additional signature lines as needed). NOTE: If more than one Plan type is adopted, the Plan Provider must provide multiple plan documents for Employer signature.

EMPLOYER: City of Livonia

By: _____

DATE SIGNED

APPENDIX A
SPECIAL EFFECTIVE DATES AND OTHER PERMITTED ELECTIONS

A. Special effective dates (leave blank if not applicable):

- a. ☐ **Special effective date(s):** _____. For periods prior to the specified special effective date(s), the Plan terms in effect prior to its restatement under this Adoption Agreement will control for purposes of the designated provisions. A special effective date may not result in the delay of a Plan provision beyond the permissible effective date under any applicable law. (The Employer has reliance on the IRS Opinion Letter only if the features described in the preceding sentence constitute protected benefits within the meaning of Code Section 411(d)(6) and the regulations thereunder, and only if such features are permissible in a "Cycle 3" preapproved plan, i.e., the features are not specifically prohibited by Revenue Procedure 2017-41 (or any superseding guidance))

B. Other permitted elections (the following elections are optional):

- a. ☐ **No other permitted elections**

The following elections apply (select one or more):

- b. ☐ **Deemed 125 compensation** (Plan Section 1.23). Deemed 125 compensation will be included in Compensation and 415 Compensation.
- c. ☐ **Break-in-Service Rules.** The following Break-in-Service rules apply to the Plan. (select 1. or 2.)
1. ☐ **Reemployed after five (5) 1-Year Breaks in Service ("rule of parity" provisions)** (Plan Section 3.5(e)).
The "rule of parity" provisions in Plan Section 3.5(d) will apply for (select one or both):
- a. ☐ eligibility purposes
- b. ☐ vesting purposes
2. ☐ **Break-in-Service rules for rehired Employees.** The following Break-in-Service rules set forth in Plan Sections 3.2 and 3.5 apply: (select one or both)
- a. ☐ all Break-in-Service rules set forth in such Sections.
- b. ☐ only the following: _____ (specify which provisions apply to the Plan)
- d. ☒ **Beneficiary if no beneficiary elected by Participant** (Plan Section 6.2(f)). In the event no valid designation of Beneficiary exists, then in lieu of the order set forth in Plan Section 6.2(f), the following order of priority will be used: First to the Participant's spouse; then to the Participant's estate (specify an order of beneficiaries; e.g., children per stirpes, parents, and then step-children).
- e. ☐ **Joint and Survivor Annuity/Pre-Retirement Survivor Annuity.** If the Plan applies the Joint and Survivor Annuity rules, then the normal form of annuity will be a joint and 50% survivor annuity (i.e., if 31.i. or 31.j. is selected) and the Pre-Retirement Survivor Annuity will be equal to 50% of a Participant's interest in the Plan unless selected below (select 1. and/or 2.)
1. ☐ **Normal form of annuity.** Instead of a joint and 50% survivor annuity, the normal form of the qualified Joint and Survivor Annuity will be: (select one)
- a. ☐ joint and 100% survivor annuity
- b. ☐ joint and 75% survivor annuity
- c. ☐ joint and 66 2/3% survivor annuity
2. ☐ **Pre-Retirement Survivor Annuity.** The Pre-Retirement Survivor Annuity (minimum Spouse's death benefit) will be equal to 50% of a Participant's interest in the Plan unless a different percentage is selected below: (select one)
- a. ☐ 100% of a Participant's interest in the Plan.
- b. ☐ _____% (may not be less than 50%) of a Participant's interest in the Plan.
- f. ☐ **Limitation Year** (Plan Section 1.30). The Limitation Year for Code §415 purposes will be _____ (must be a consecutive twelve month period) instead of the "determination period" for Compensation.
- g. ☐ **415 Limits when 2 defined contribution plans are maintained** (Plan Section 4.4). If any Participant is covered under another qualified defined contribution plan maintained by the Employer or an Affiliated Employer, or if the Employer or an Affiliated Employer maintains a welfare benefit fund, as defined in Code §419(e), or an individual medical account, as defined in Code §415(l)(2), under which amounts are treated as "annual additions" with respect to any Participant in this Plan, then the provisions of Plan Section 4.4(b) will apply unless otherwise specified below:
1. ☐ Specify, in a manner that precludes Employer discretion, the method under which the plans will limit total "annual additions" to the "maximum permissible amount" and will properly reduce any "excess amounts": _____.
- h. ☐ **Recognition of Service with other employers** (Plan Sections 1.40 and 1.55). Service with the following employers (in addition to those specified at Question 15) will be recognized as follows (select one or more):

	Eligibility	Vesting	Contribution Allocation
1. ☐ Employer name: _____	a. ☐	b. ☐	c. ☐
2. ☐ Employer name: _____	a. ☐	b. ☐	c. ☐

3. ☐ Employer name: _____ a. ☐ b. ☐ c. ☐
4. ☐ Employer name: _____ a. ☐ b. ☐ c. ☐
5. ☐ Employer name: _____ a. ☐ b. ☐ c. ☐
6. ☐ Employer name: _____ a. ☐ b. ☐ c. ☐

Limitations

7. ☐ The following provisions or limitations apply with respect to the recognition of prior service: _____ a. ☐ b. ☐ c. ☐
(e.g., credit service with X only on/following 1/1/19)
- i. ☐ **Other vesting provisions.** The following vesting provisions apply to the Plan (select one or more):
1. ☐ **Special vesting provisions.** The following special provisions apply to the vesting provisions of the Plan: _____ (must be definitely determinable and satisfy the parameters set forth at Question 17)
 2. ☐ **Pre-amendment vesting schedule.** (Plan Section 6.4(b)). If the vesting schedule has been amended and a different vesting schedule other than the schedule at Question 17 applies to any Participants, then the following provisions apply (must select one of a. – d.):

Applicable Participants. The vesting schedules in Question 17 only apply to:
 - a. ☐ Participants who are Employees as of _____ (enter date).
 - b. ☐ Participants in the Plan who have an Hour of Service on or after _____ (enter date).
 - c. ☐ Participants (even if not an Employee) in the Plan on or after _____ (enter date).
 - d. ☐ Other: _____ (e.g., Participants in division A. Must be definitely determinable.)
- j. ☐ **Minimum distribution transitional rules** (Plan Section 6.8(e)(5))
- NOTE:** This Section does not apply to (1) a new Plan, (2) an amendment or restatement of an existing Plan that never contained the provisions of Code §401(a)(9) as in effect prior to the amendments made by the Small Business Job Protection Act of 1996 (SBJPA), or (3) a Plan where the transition rules below do not affect any current Participants.
- The "required beginning date" for a Participant is:
1. ☐ April 1st of the calendar year following the year in which the Participant attains age 70 1/2. (pre-SBJPA rules continue to apply)
 2. ☐ April 1st of the calendar year following the later of the year in which the Participant attains age 70 1/2 or retires (the post-SBJPA rules), with the following exceptions (select one or both; leave blank if both applied effective as of January 1, 1996):
 - a. ☐ A Participant who was already receiving required minimum distributions under the pre-SBJPA rules as of _____ (may not be earlier than January 1, 1996) was allowed to stop receiving distributions and have them recommence in accordance with the post-SBJPA rules. Upon the recommencement of distributions, if the Plan permits annuities as a form of distribution then the following apply:
 1. ☐ N/A (annuity distributions are not permitted)
 2. ☐ Upon the recommencement of distributions, the original Annuity Starting Date will be retained.
 3. ☐ Upon the recommencement of distributions, a new Annuity Starting Date is created.
 - b. ☐ A Participant who had not begun receiving required minimum distributions as of _____ (may not be earlier than January 1, 1996) may elect to defer commencement of distributions until retirement. The option to defer the commencement of distributions (i.e., to elect to receive in-service distributions upon attainment of age 70 1/2) applies to all such Participants unless selected below:
 1. ☐ The in-service distribution option was eliminated with respect to Participants who attained age 70 1/2 in or after the calendar year that began after the later of (1) December 31, 1998, or (2) the adoption date of the restatement to bring the Plan into compliance with the SBJPA.
- k. ☐ **Other spousal provisions** (select one or more)
1. ☐ **Definition of Spouse.** The term Spouse includes a spouse under federal law as well as the following: _____
 2. ☐ **Automatic revocation of spousal designation** (Plan Section 6.2(g)). The automatic revocation of a spousal Beneficiary designation in the case of divorce does not apply.
 3. ☐ **Timing of QDRO payment.** A distribution to an Alternate Payee shall not be permitted prior to the time a Participant would be entitled to a distribution.
- l. ☐ **Applicable law.** Instead of using the applicable laws set forth in Plan Section 9.4(a), the Plan will be governed by the laws of: _____

- m. ☒ **Total and Permanent Disability.** Instead of the definition at Plan Section 1.50, Total and Permanent Disability means: total and permanent incapacitation for duty in the employ of the Employer subject to the provisions of 2.96.290 and 2.96.320 of the Livonia Code of Ordinances (must be definitely determinable).
- n. ☐ **Inclusion of Reclassified Employees** (Plan Section 1.17(a)). The Employer does not exclude Reclassified Employees subject to the following provisions: (leave blank if not applicable): _____
- o. ☐ **Claims procedures** (Plan Section 2.10). The claims procedures forth in Plan Section 2.10(a) – (b) apply unless otherwise elected below or unless the Administrator has operationally adopted alternative procedures.
1. ☐ The claims procedures set forth in Plan Section 2.10(c) – (g) apply instead of Plan Section 2.10(a).
2. ☐ The claims procedures set forth in Plan Section 2.10(c)-(g) apply as follows: _____
(specify which provisions apply and/or modified)
- p. ☐ **Age 62 In-Service Distributions For Transferred Money Purchase Assets** (Plan Section 6.11)
In-service distributions will be allowed for Participants at age 62. (applies only for Transfer Accounts from a Money Purchase Pension Plan) (skip this question if the Plan is a Money Purchase Pension Plan or if in-service distributions are already permitted for Transferred Accounts at Question 34)
- Limitations.** The following limitations apply to these in-service distributions:
1. ☐ The Plan already provides for in-service distributions and the restrictions set forth in the Plan (e.g., minimum amount of distributions or frequency of distributions) are applicable to in-service distributions at age 62.
2. ☐ N/A (no limitations)
3. ☐ The following elections apply to in-service distributions at age 62 (select one or more):
- a. ☐ The minimum amount of a distribution is \$_____ (may not exceed \$1,000).
- b. ☐ No more than _____ distribution(s) may be made to a Participant during a Plan Year.
- c. ☐ Distributions may only be made from Accounts which are fully Vested.
- d. ☐ In-service distributions may be made subject to the following provisions: _____ (must be definitely determinable and not subject to discretion).
- q. ☐ **QLACs.** (Plan Section 6.8(e)(4)) A Participant may elect a QLAC (as defined in Plan Section 6.8(e)(4)) or any alternative form of annuity permitted pursuant to a QLAC in which the Participant's Account has been invested.

ADMINISTRATIVE PROCEDURES

The following are optional administrative provisions. The Administrator may implement procedures that override any elections in this Section without a formal Plan amendment. In addition, modifications to these procedures will not affect an Employer's reliance on the Plan.

A. Loan Limitations. (complete only if loans to Participants are permitted; leave blank if none apply)

- a. ☐ Limitations (select one or more):
1. ☐ Loans will be treated as Participant directed investments.
 2. ☐ Loans will only be made for hardship or financial necessity as specified below (select a. or b.)
 - a. ☐ hardship reasons specified in Plan Section 6.12
 - b. ☐ financial necessity (as defined in the loan program).
 3. ☐ The minimum loan will be \$_____.
 4. ☐ A Participant may only have _____ (e.g., one (1)) loan(s) outstanding at any time.
 5. ☐ All outstanding loan balances will become due and payable in their entirety upon the occurrence of a distributable event (other than satisfaction of the conditions for an in-service distribution (including a hardship distribution), if applicable).
 6. ☐ The home loan term will be _____ years. (if not selected, the Administrator establishes the term for repayment of a home loan)
 7. ☐ **Account restrictions.** Loans will only be permitted from the following Participant Accounts (select all that apply or leave blank if no limitations apply):
 - a. ☐ Account(s) attributable to Employer matching contributions
 - b. ☐ Account attributable to Employer contributions other than matching contributions
 - c. ☐ Rollover Account
 - d. ☐ Transfer Account
 - e. ☐ Other: _____
- AND**, if loans are restricted to certain accounts, the limitations of Code §72(p) will be applied:
- f. ☐ by determining the limits by only considering the restricted accounts.
 - g. ☐ by determining the limits taking into account a Participant's entire interest in the Plan.

Additional Loan Provisions (select all that apply; leave blank if none apply)

- b. ☐ **Loan payments.** Loans are repaid by (if left blank, then payroll deduction applies unless Participant is not subject to payroll (e.g., partner who only has a draw)):
1. ☐ payroll deduction
 2. ☐ ACH (Automated Clearing House)
 3. ☐ check
 - a. ☐ Only for prepayment
- c. ☐ **Interest rate.** Loans will be granted at the following interest rate (if left blank, then 3. below applies):
1. ☐ _____ percentage points over the prime interest rate
 2. ☐ _____%
 3. ☐ the Administrator establishes the rate at the time the loan is made
- d. ☐ **Refinancing.** Loan refinancing is allowed.

B. Life Insurance. (Plan Section 7.5)

- a. ☒ Life insurance may not be purchased.
- b. ☐ Life insurance may be purchased...
1. ☐ at the option of the Administrator
 2. ☐ at the option of the Participant

Limitations

3. ☐ N/A (no limitations)
4. ☐ The purchase of initial or additional life insurance will be subject to the following limitations (select one or more):
- a. ☐ Each initial Contract will have a minimum face amount of \$_____.
 - b. ☐ Each additional Contract will have a minimum face amount of \$_____.
 - c. ☐ The Participant has completed _____ Years (or Periods) of Service.
 - d. ☐ The Participant has completed _____ Years (or Periods) of Service while a Participant in the Plan.
 - e. ☐ The Participant is under age _____ on the Contract issue date.
 - f. ☐ The maximum amount of all Contracts on behalf of a Participant may not exceed \$_____.
 - g. ☐ The maximum face amount of any life insurance Contract will be \$_____.

C. Plan Expenses. Will the Plan assess against an individual Participant's Account certain Plan expenses that are incurred by, or are attributable to, a particular Participant based on use of a particular Plan service?

- a. ☐ No
- b. ☒ Yes

Use of Forfeitures

Forfeitures of Employer contributions other than matching contributions will be:

- c. ☐ added to the Employer contribution and allocated in the same manner
- d. ☐ used to reduce any Employer contribution
- e. ☐ allocated to all Participants eligible to share in the allocations of Employer contributions or Forfeitures in the same proportion that each Participant's Compensation for the Plan Year bears to the Compensation of all Participants for such year
- f. ☐ other: _____ (describe the treatment of Forfeitures in a manner that is definitely determinable and not subject to Employer discretion)

Forfeitures of Employer matching contributions will be:

- g. ☐ N/A. Same as above or no Employer matching contributions.
- h. ☐ used to reduce the Employer matching contribution.
- i. ☐ used to reduce any Employer contribution.
- j. ☐ other: _____ (describe the treatment of Forfeitures in a manner that is definitely determinable and not subject to Employer discretion)

D. Directed investments

- a. ☐ Participant directed investments are NOT permitted.
- b. ☒ Participant directed investments are permitted from the following Participant Accounts:
 - 1. ☒ all Accounts
 - 2. ☐ only from the following Accounts (select one or more):
 - a. ☐ Account attributable to Employer contributions
 - b. ☐ Rollover Account
 - c. ☐ Transfer Account
 - d. ☐ Other: _____ (specify Account(s) and conditions in a manner that is definitely determinable and not subject to Employer discretion)

E. Rollover Limitations. Will the Plan accept rollover contributions and/or direct rollovers from the sources specified below?

- a. ☐ No, Administrator determines in operation which sources will be accepted.
- b. ☒ Yes

Rollover sources. Indicate the sources of rollovers that will be accepted (select one or more)

- 1. ☒ **Direct Rollovers.** The Plan will accept a direct rollover of an eligible rollover distribution from (select one or more):
 - a. ☒ a qualified plan described in Code §401(a) (including a 401(k) plan, profit sharing plan, defined benefit plan, stock bonus plan and money purchase plan), excluding after-tax employee contributions
 - b. ☐ a qualified plan described in Code §401(a) (including a 401(k) plan, profit sharing plan, defined benefit plan, stock bonus plan and money purchase plan), including after-tax employee contributions
 - c. ☐ a plan described in Code §403(a) (an annuity plan), excluding after-tax employee contributions
 - d. ☐ a plan described in Code §403(a) (an annuity plan), including after-tax employee contributions
 - e. ☐ a plan described in Code §403(b) (a tax-sheltered annuity), excluding after-tax employee contributions
 - f. ☐ a plan described in Code §403(b) (a tax-sheltered annuity), including after-tax employee contributions
 - g. ☐ a plan described in Code §457(b) (eligible deferred compensation plan)

Direct Rollovers of Participant Loan. The Plan will NOT accept a direct rollover of a Participant loan from another plan unless selected below (leave blank if default applies)

- h. ☐ The Plan will accept a direct rollover of a Participant loan
- i. ☐ The Plan will only accept a direct rollover of a Participant loan only in the following situation(s):
_____ (e.g., only from Participants who were employees of an acquired organization).

- 2. ☒ **Participant Rollover Contributions from Other Plans (i.e., not via a direct plan-to-plan transfer).** The Plan will accept a contribution of an eligible rollover distribution (select one or more):
 - a. ☒ a qualified plan described in Code §401(a) (including a 401(k) plan, profit sharing plan, defined benefit plan, stock bonus plan and money purchase plan)
 - b. ☐ a plan described in Code §403(a) (an annuity plan)
 - c. ☐ a plan described in Code §403(b) (a tax-sheltered annuity)
 - d. ☐ a governmental plan described in Code §457(b) (eligible deferred compensation plan)
- 3. ☐ **Participant Rollover Contributions from IRAs:** The Plan will accept a rollover contribution of the portion of a distribution from a traditional IRA that is eligible to be rolled over and would otherwise be includible in gross income. Rollovers from Roth IRAs or a Coverdell Education Savings Account (formerly known as an Education IRA) are not permitted because they are not traditional IRAs. A rollover from a SIMPLE IRA is allowed if the amounts are rolled over after the individual has been in the SIMPLE IRA for at least two years.

F. Trustee(s) or Insurer(s). Information regarding Trustee(s)/Insurer(s) (required for the Summary Plan Description and, if requested, the Trust Agreement)

(Note: Select a. if not using provided trust. MUST select b and following questions as applicable):

- a. ☐ Do not produce the trust agreement
- b. ☒ Complete the following UNLESS not selecting supporting forms:

Trustee/Insurer (select a. OR one or more of d. - e.)

c. ☐ **Insurer.** This Plan is funded exclusively with Contracts (select one or more of 1. - 4)

Name of Insurer(s)

1. ☐ _____
2. ☐ _____
3. ☐ Use Employer address/telephone number/email
4. ☐ Use following address/telephone number/email
 - a. Street: _____
 - b. City: _____
 - c. State: _____
 - d. Zip: _____
 - e. Telephone: _____
 - f. Email: _____

d. ☐ Individual Trustee(s)

e. ☒ Corporate Trustee

Name of Trust

f. Specify name of Trust (required for FIS trust): City of Livonia 401(a) Money Purchase Plan Trust

Individual Trustees (if d. selected above, complete g. – j.)

Directed/Discretionary Trustees. The individual Trustee(s) executing this Adoption Agreement are (select g. or h.)

g. ☐ Select for each individual Trustee (skip to next question)

h. ☐ The following selections apply to all individual Trustee(s) (select 1. - 4. as applicable)

1. ☐ A discretionary Trustee over all plan assets (may not be selected with 2. - 4.)
2. ☐ A nondiscretionary (directed) Trustee over all plan assets (may not be selected with 1., 3. or 4.)
3. ☐ The individual Trustee(s) will serve as a discretionary Trustee over the following assets: _____
(may not be selected with 1. or 2.)
4. ☐ The individual Trustee(s) will serve as a nondiscretionary (directed) Trustee over the following assets: _____
(may not be selected with 1. or 2.)

Individual Trustee(s) (complete if d. selected above)

i. ☐ Individual Trustee(s) are (select one or more of a. - j.; enter address at j. below)

a. **Name** _____

Title/Email:

1. Title _____
2. Email _____ (optional)

Trustee is: (complete if g. selected above; select 3. – 6. as applicable)

3. ☐ Discretionary Trustee over all plan assets (may not be selected with 4. – 6.)
4. ☐ A discretionary Trustee over the following plan assets: _____ (may not be select with 3. or 5.)
5. ☐ Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)
6. ☐ A nondiscretionary (directed) Trustee or Custodian over the following plan assets _____ (may not be selected with 3. or 5.)

b. **Name** _____

Title/Email:

1. Title _____
2. Email _____ (optional)

Trustee is: (complete if g. selected above; select 3. – 6. as applicable)

3. ☐ Discretionary Trustee over all plan assets (may not be selected with 4. – 6.)
4. ☐ A discretionary Trustee over the following plan assets: _____ (may not be select with 3. or 5.)
5. ☐ Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)
6. ☐ A nondiscretionary (directed) Trustee or Custodian over the following plan assets _____ (may not be selected with 3. or 5.)

c. **Name** _____

Title/Email:

1. Title _____
2. Email _____ (optional)

Trustee is: (complete if g. selected above; select 3. – 6. as applicable)

3. ☐ Discretionary Trustee over all plan assets (may not be selected with 4. – 6.)
4. ☐ A discretionary Trustee over the following plan assets: _____ (may not be select with 3. or 5.)
5. ☐ Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)
6. ☐ A nondiscretionary (directed) Trustee or Custodian over the following plan assets _____ (may not be selected with 3. or 5.)

d. **Name** _____

Title/Email:

1. Title _____

2. Email _____ (optional)

Trustee is: (complete if g. selected above; select 3. – 6. as applicable)

3. ☐ Discretionary Trustee over all plan assets (may not be selected with 4. or 6.)

4. ☐ A discretionary Trustee over the following plan assets: _____ (may not be selected with 3. or 5.)

5. ☐ Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)

6. ☐ A nondiscretionary (directed) Trustee or Custodian over the following plan assets _____ (may not be selected with 3. or 5.)

e. **Name** _____

Title/Email:

1. Title _____

2. Email _____ (optional)

Trustee is: (complete if g. selected above; select 3. – 6. as applicable)

3. ☐ Discretionary Trustee over all plan assets (may not be selected with 4. or 6.)

4. ☐ A discretionary Trustee over the following plan assets: _____ (may not be selected with 3. or 5.)

5. ☐ Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)

6. ☐ A nondiscretionary (directed) Trustee or Custodian over the following plan assets _____ (may not be selected with 3. or 5.)

f. **Name** _____

Title/Email:

1. Title _____

2. Email _____ (optional)

Trustee is: (complete if g. selected above; select 3. – 6. as applicable)

3. ☐ Discretionary Trustee over all plan assets (may not be selected with 4. or 6.)

4. ☐ A discretionary Trustee over the following plan assets: _____ (may not be selected with 3. or 5.)

5. ☐ Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)

6. ☐ A nondiscretionary (directed) Trustee or Custodian over the following plan assets _____ (may not be selected with 3. or 5.)

g. **Name** _____

Title/Email:

1. Title _____

2. Email _____ (optional)

Trustee is: (complete if g. selected above; select 3. – 6. as applicable)

3. ☐ Discretionary Trustee over all plan assets (may not be selected with 4. or 6.)

4. ☐ A discretionary Trustee over the following plan assets: _____ (may not be selected with 3. or 5.)

5. ☐ Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)

6. ☐ A nondiscretionary (directed) Trustee or Custodian over the following plan assets _____ (may not be selected with 3. or 5.)

h. **Name** _____

Title/Email:

1. Title _____

2. Email _____ (optional)

Trustee is: (complete if g. selected above; select 3. – 6. as applicable)

3. ☐ Discretionary Trustee over all plan assets (may not be selected with 4. or 6.)

4. ☐ A discretionary Trustee over the following plan assets: _____ (may not be selected with 3. or 5.)

5. ☐ Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)

6. ☐ A nondiscretionary (directed) Trustee or Custodian over the following plan assets _____ (may not be selected with 3. or 5.)

i. **Name** _____

Title/Email:

1. Title _____

2. Email _____ (optional)

Trustee is: (complete if g. selected above; select 3. – 6. as applicable)

3. ☐ Discretionary Trustee over all plan assets (may not be selected with 4. or 6.)

4. ☐ A discretionary Trustee over the following plan assets: _____ (may not be selected with 3. or 5.)

5. ☐ Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)

6. ☐ A nondiscretionary (directed) Trustee or Custodian over the following plan assets _____ (may not be selected with 3. or 5.)

j. **Name** _____

Title/Email:

1. Title _____

2. Email _____ (optional)

Trustee is: (complete if g. selected above; select 3. – 6. as applicable)

3. ☐ Discretionary Trustee over all plan assets (may not be selected with 4. or 6.)

4. ☐ A discretionary Trustee over the following plan assets: _____ (may not be selected with 3. or 5.)

5. ☐ Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)

6. ☐ A nondiscretionary (directed) Trustee or Custodian over the following plan assets _____ (may not be selected with 3. or 5.)

j. ☐ **Individual Trustee Address** (complete if d. selected above)

1. ☐ Use Employer address/telephone number/email

2. ☐ Use following address/telephone number/email

a. Street: _____

b. City: _____

c. State: _____

d. Zip: _____

e. Telephone: _____

f. Email: _____

Corporate Trustee Name/Type/Address (complete if e. selected above)

k. ☒ Name Principal Bank

Address/telephone number/email

1. ☐ Use Employer address/telephone number/email

2. ☒ Use following address/telephone number/email

a. Street: 510 North Valley Mills Drive, Suite 400

b. City: Waco

c. State: Texas

d. Zip: 76710

e. Telephone: _____

f. Email: _____

Directed/Discretionary. The Corporate Trustee is (select 3. - 6. as applicable)

3. ☐ A discretionary Trustee over all plan assets (may not be selected with 4. – 6.)

4. ☒ A nondiscretionary (directed) Trustee over all plan assets (may not be selected with 3., 5. or 6.)

5. ☐ A discretionary Trustee over the following plan assets over the following assets: _____ (may not be selected with 3. – 4.)

6. ☐ A nondiscretionary (directed) Trustee over the following plan assets _____ (may not be selected with 3. – 4.)

Signee (optional):

7. ☐ Name of person signing on behalf of the corporate Trustee _____

8. ☐ Email address of person signing on behalf of the corporate Trustee _____

Special Trustee for collection of contributions. The Employer appoints the following Special Trustee with the responsibility to collect delinquent contributions (*optional*)

l. ☐ **Name** _____

Title:

1. _____

Address/telephone number/email

2. ☐ Use Employer address/telephone number/email

3. ☐ Use following address/telephone number/email

a. Street: _____

b. City: _____

c. State: _____

d. Zip: _____

e. Telephone: _____

f. Email: _____

Custodian(s) Name/Address . The Custodian(s) are (*optional*)

m. ☐ **Name(s)** _____

Address/telephone number/email

1. ☐ Use Employer address/telephone number/email

2. ☐ Use following address/telephone number/email

- a. Street: _____
- b. City: _____
- c. State: _____
- d. Zip: _____
- e. Telephone: _____
- f. Email: _____

Investment in common, collective or pooled trust funds. The nondiscretionary Trustee, as directed or the discretionary Trustee acting without direction (and in addition to the discretionary Trustee's authority to invest in its own funds), may invest in any of the following trust funds: *(optional)*

n. ☐ _____ (Specify the names of one or more trust funds in which the Plan can invest)

Choice of law

o. ☒ This trust will be governed by the laws of the state of:

- 1. ☐ State in which the Employer's principal office is located
- 2. ☒ State in which the corporate trustee or insurer is located
- 3. ☐ Other _____

ADDENDUM

Notwithstanding Section 24 and Section 31 of the Adoption Agreement, the contribution rates for Employer Contributions and Mandatory Employee Contributions are as follows:

GENERAL TRANSFER	Hired Before	EE Cont %	ER Cont %	GENERAL NEW	Hired on or after	EE Cont %	ER Cont %
Local 1917 Transfer	3/17/1997	3.66	13	Local 1917 New	3/17/1997	3.66	8
Local 192 Transfer	3/17/1997	3.1	13	Local 192 New	3/17/1997	3.1	8
General Transfer	3/17/1997	3.1	13	General New	3/17/1997	3.1	8
Court Transfer	3/17/1997	3.1	13	Court New	3/17/1997	3.1	8
Dispatchers Transfer	3/17/1997	3.1	13	Dispatchers New	3/17/1997	3.1	8
Elected Transfer	3/17/1997	3.1	13	Elected New	3/17/1997	3.1	8
Police Service Aide	3/17/1997	N/A	N/A	Police Service Aide	3/17/1997	3.1	8

POLICE TRANSFER	Hired Before	EE Cont %	ER Cont %	POLICE NEW	Hired on or after	EE Cont %	ER Cont %
LPOA Transfer	11/24/1998	5	13	LPOA New	11/24/1998	5	11
LT & SGT Transfer	12/8/1997	5.21	13	LT & SGT New	12/8/1997	5.21	11
PO Admin. Transfer	12/8/1997	5.21	13	PO Admin. New	12/8/1997	5.21	11

FIRE TRANSFER	Hired Before	EE Cont %	ER Cont %	FIRE NEW	Hired on or after	EE Cont %	ER Cont %
FF Transfer	7/1/1998	4.5	13	FF New	7/1/1998	4.5	11
FF Admin. Transfer	7/1/1998	4.5	13	FF Admin. New	7/1/1998	4.5	13

CITY OF LIVONIA 401(A) MONEY PURCHASE PLAN AND TRUST
SUMMARY OF PLAN PROVISIONS

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CITY OF LIVONIA 401(A) MONEY PURCHASE PLAN AND TRUST

SUMMARY OF PLAN PROVISIONS

INTRODUCTION TO YOUR PLAN

What kind of Plan is this?

City of Livonia 401(a) Money Purchase Plan and Trust ("Plan") has been adopted to provide you with the opportunity to save for retirement on a tax-advantaged basis. This Plan is a type of qualified retirement plan. Generally you are not taxed on the amounts we contribute to the Plan until you withdraw these amounts from the Plan.

What information does this Summary provide?

This Summary of Plan Provisions contains information regarding your Plan benefits, your distribution options, and many other features of the Plan. You should take the time to read this summary to get a better understanding of your rights and obligations under the Plan.

If you have any questions about the Plan, please contact the Administrator or other plan representative. The Administrator is responsible for responding to questions and making determinations related to the administration, interpretation, and application of the Plan. The name and address of the Administrator can be found at the end of this summary in the Article entitled "General Information About the Plan."

This summary describes the Plan's benefits and obligations as contained in the legal Plan document, which governs the operation of the Plan. The Plan document is written in much more technical and precise language and is designed to comply with applicable legal requirements. If the non-technical language in this summary conflicts with the language of the Plan document, then the Plan document always governs.

The Plan and your rights under the Plan are subject to various laws, including the Internal Revenue Code. The provisions of the Plan are subject to revision due to a change in laws. Your Employer may also amend or terminate this Plan.

Types of Contributions. The Plan includes provisions for the following types of contributions:

- Employer nonelective contributions
- Mandatory employee contributions
- After-tax voluntary employee contributions
- Employee rollover contributions

ARTICLE I PARTICIPATION IN THE PLAN

How do I participate in the Plan?

Provided you are not an Excluded Employee, you may begin participating under the Plan once you have satisfied the eligibility requirements and reached your "Entry Date." The following describes the eligibility requirements and Entry Dates that apply. You should contact the Administrator if you have questions about the timing of your Plan participation.

Excluded Employees. If you are a member of a class of employees identified below, you are an Excluded Employee and you are not entitled to participate in the Plan. The Excluded Employees are:

- temporary or seasonal employees (employees whose regularly scheduled service is less than 1 Year of Service). However, if as a temporary or seasonal employee, you actually complete a Year of Service, you will enter the plan on the next regular entry date.

Eligibility Conditions. You will be eligible to participate in the Plan when you have satisfied the following eligibility condition(s). However, you will actually become a Participant in the Plan once you reach the Entry Date as described below.

- completion of 6 months of service.

Entry Date. Your Entry Date will be the date on which you satisfy the eligibility requirements.

How is my service determined for purposes of Plan eligibility?

Year of Service. You will be credited with a Year of Service at the end of the twelve month period beginning on your date of hire if you have been credited with at least 2,080 Hours of Service during such period. If you have not been credited with 2,080 Hours of Service by the end of such period, you will have completed a Year of Service at the end of any following Plan Year during which you were credited with 2,080 Hours of Service.

Hour of Service. You will be credited with your actual Hours of Service for:

- (a) each hour for which you are directly or indirectly compensated by the Employer for the performance of duties during the Plan Year;
- (b) each hour for which you are directly or indirectly compensated by the Employer for reasons other than the performance of duties (such as vacation, holidays, sickness, disability, lay-off, military duty, jury duty or leave of absence during the Plan Year) but credit will not exceed 501 hours of service for any single continuous period during which you perform no duties; and
- (c) each hour for back pay awarded or agreed to by the Employer.

You will not be credited for the same Hours of Service both under (a) or (b), as the case may be, and under (c).

What happens if I'm a participant, terminate employment and then I'm rehired?

If you are no longer a participant because you terminated employment, and you are rehired, then you will be able to participate in the Plan on your date of rehire provided you are otherwise eligible to participate in the Plan.

ARTICLE II EMPLOYEE CONTRIBUTIONS

What are after-tax voluntary contributions?

Voluntary contributions. As a participant under the Plan, you may make voluntary contributions to the Plan on an after-tax basis. After-tax contributions are subject to current taxation even though they are contributed to the Plan. However, any earnings you receive on your voluntary contributions made to the Plan will generally not be taxed until you withdraw those amounts from the Plan. When you retire or otherwise become eligible for Plan benefits, the value of your voluntary contribution account will be used to provide additional benefits for you or your beneficiaries.

You will always be 100% vested in your voluntary contributions (see the Article in this summary entitled "Vesting"). This means that you will always be entitled to all of your voluntary contributions. Your voluntary contributions will, however, be affected by any investment gains or losses.

Withdrawal of voluntary contributions. You may withdraw amounts in your voluntary contribution account at any time. You will only be taxed on the portion of a distribution that consists of investment gains. You should see the Article entitled "Benefits and Distributions Upon Termination of Employment" for an explanation of how benefits (including your voluntary contribution account) are paid from the Plan.

What are rollover contributions?

Rollover contributions. At the discretion of the Administrator, if you are a Participant who is currently employed, an Eligible Employee, or a Participant who is a former Employee, you may be permitted to deposit into the Plan distributions you have received from other retirement plans. Such a deposit is called a "rollover" and may result in tax savings to you. You may ask the Administrator or Trustee of the other plan to directly transfer (a "direct rollover") to this Plan all or a portion of any amount that you are entitled to receive as a distribution from such plan. Alternatively, you may elect to deposit any amount eligible to be rolled over within 60 days of your receipt of the distribution. You should consult qualified counsel to determine if a rollover is in your best interest.

Rollover account. Your rollover will be accounted for in a "rollover account." You will always be 100% vested in your "rollover account" (see the Article in this summary entitled "Vesting"). This means that you will always be entitled to all amounts in your rollover account. Rollover contributions will be affected by any investment gains or losses.

Withdrawal of rollover contributions. You may withdraw the amounts in your "rollover account" at any time.

What are mandatory employee contributions?

Mandatory contributions. As a condition of employment, you must agree to contribute to the Plan at the rates listed in the addendum. You will always be 100% vested (your ownership rights) in any required amounts you contribute to the Plan.

Withdrawal of mandatory contributions. You may not withdraw required contributions prior to your termination of employment.

Treatment as Employer contributions. The mandatory contribution you make is considered, for purposes of federal taxes, to be an Employer contribution (many people refer to these as pick-up contributions because the Employer is picking up the contribution as though it were making the contribution). This means that the mandatory contribution is not subject to federal income taxes, and in most cases, will not be subject to Social Security and Medicare taxes. This summary still refers to these contributions as mandatory employee contributions in order to avoid confusion with respect to other Employer contributions that may be made under the Plan.

ARTICLE III EMPLOYER CONTRIBUTIONS

This Article describes Employer contributions that will be made to the Plan.

What is the Employer nonelective contribution and how is it allocated?

Nonelective contribution. Your Employer will contribute at the rates listed in the attached addendum.

Allocation conditions. You will always share in the nonelective contribution regardless of the amount of service you complete during the Plan Year.

What are forfeitures and how are they allocated?

Definition of forfeitures. In order to reward employees who remain employed with the Employer for a long period of time, the law permits a "vesting schedule" to be applied to certain contributions that your Employer makes to the Plan. This means that you will not be "vested" in (entitled to) all of the contributions until you have been employed with the Employer for a specified period of time (see the Article entitled "Vesting"). If a participant terminates employment before being fully vested, then the non-vested portion of the terminated participant's account balance remains in the Plan and is called a forfeiture.

Allocation of forfeitures. The Employer may use forfeitures to pay Plan expenses or to reduce amounts otherwise required to be contributed to the Plan. used to pay plan expenses

ARTICLE IV COMPENSATION AND ACCOUNT BALANCE

What compensation is used to determine my Plan benefits?

Definition of compensation. For the purposes of the Plan, compensation has a special meaning. Compensation is generally defined as your total compensation that is subject to income tax and paid to you by your Employer during the Plan Year.

Adjustments to compensation. The following adjustments to compensation will be made:

- compensation paid while not a participant in the Plan will be excluded.
- overtime will be excluded.
- bonuses will be excluded.
- call-in, on-call, gun allowance, food allowance, clothing allowance, cleaning allowance, car allowance, short-term disability, stipends, retention pay, sick leave payout at termination, or any other financial compensation from which pension contributions are not withheld will be excluded.
- compensation paid after you terminate is generally excluded for Plan purposes. However, the following amounts will be included in compensation even though they are paid after you terminate employment, provided these amounts would otherwise have been considered compensation as described above and provided they are paid within 2 1/2 months after you terminate employment, or if later, the last day of the Plan Year in which you terminate employment:
 - compensation for services performed during your regular working hours, or for services outside your regular working hours (such as overtime or shift differential) or other similar payments that would have been made to you had you continued employment
 - compensation paid for unused accrued bona fide sick, vacation or other leave, if such amounts would have been included in compensation if paid prior to your termination of employment and you would have been able to use the leave if employment had continued

Is there a limit on the amount of compensation which can be considered?

The Plan, by law, cannot recognize annual compensation in excess of a certain dollar limit. The limit for the Plan Year beginning in 2022 is \$305,000. After 2022, the dollar limit may increase for cost-of-living adjustments.

Is there a limit on how much can be contributed to my account each year?

Generally, the law imposes a maximum limit on the amount of contributions that may be made to your account and any other amounts allocated to any of your accounts during the Plan Year, excluding earnings. Beginning in 2022, this total cannot exceed the lesser of \$61,000 or 100% of your annual compensation. After 2022, the dollar limit may increase for cost-of-living adjustments.

How is the money in the Plan invested?

The Trustee of the Plan has been designated to hold the assets of the Plan for the benefit of Plan participants and their beneficiaries in accordance with the terms of this Plan. The trust fund established by the Plan's Trustee will be the funding medium used for the accumulation of assets from which Plan benefits will be distributed.

Participant directed investments. You will be able to direct the investment of your entire interest in the Plan. The Administrator will provide you with information on the investment choices available to you, the procedures for making investment elections, the frequency with which you can change your investment choices and other important information. You need to follow the procedures for making investment elections and you should carefully review the information provided to you before you give investment directions. If you do not direct the investment of your applicable Plan accounts, then your accounts will be invested in accordance with the default investment alternatives established under the Plan.

Earnings or losses. When you direct investments, your accounts are segregated for purposes of determining the earnings or losses on these investments. Your account does not share in the investment performance of other participants who have directed their own investments. You should remember that the amount of your benefits under the Plan will depend in part upon your choice of investments. Gains as well as losses can occur and your Employer, the Administrator, and the Trustee will not provide investment advice or guarantee the performance of any investment you choose.

Will Plan expenses be deducted from my account balance?

Expenses allocated to all accounts. The Plan permits the payment of Plan expenses to be made from the Plan's assets. The method of allocating the expenses depends on the nature of the expense itself. For example, certain administrative (or recordkeeping) expenses would typically be allocated proportionately to each participant. If the Plan pays \$1,000 in expenses and there are 100 participants, your account balance would be charged \$10 (\$1,000/100) of the expense.

Terminated employee. After you terminate employment, your Employer reserves the right to charge your account for your pro rata share of the Plan's administration expenses, regardless of whether your Employer pays some of these expenses on behalf of current employees.

Expenses allocated to individual accounts. There are certain other expenses that may be paid just from your account. These are expenses that are specifically incurred by, or attributable to, you. For example, if you are married and get divorced, the Plan may incur additional expenses if a court mandates that a portion of your account be paid to your ex-spouse. These additional expenses may be paid directly from your account (and not the accounts of other participants) because they are directly attributable to you under the Plan. The Administrator can inform you when there will be a charge (or charges) directly to your account.

Your Employer may, from time to time, change the manner in which expenses are allocated.

ARTICLE V VESTING

What is my vested interest in my account?

In order to reward employees who remain employed with the Employer for a long period of time, the law permits a "vesting schedule" to be applied to certain contributions that your Employer makes to the Plan. This means that you will not be entitled ("vested") in all of the contributions until you have been employed with the Employer for a specified period of time.

100% vested contributions. You are always 100% vested (which means that you are entitled to all of the amounts) in your accounts attributable to the following contributions:

- mandatory employee contributions
- rollover contributions
- after-tax voluntary contributions

Vesting schedules. Your "vested percentage" for certain Employer contributions is based on vesting Years of Service. This means at the time you stop working, your account balance attributable to contributions subject to a vesting schedule is multiplied by your vested percentage. The result, when added to the amounts that are always 100% vested as shown above, is your vested interest in the Plan, which is what you will actually receive from the Plan.

Employer Contributions

Your "vested percentage" in your account attributable to Employer contributions is determined under the following schedule. You will always, however, be 100% vested in these contributions if you are employed on or after your Normal Retirement Age or if you die due to a duty related incident or become disabled due to a duty related incident.

Vesting Schedule Nonelective Contributions	
Years of Service	Percentage
Less than 4	0%
4	100%

How is my service determined for vesting purposes?

Year of Service. To earn a Year of Service, you must be credited with at least 1,000 Hours of Service during a 12-month period beginning on your first day of employment and any anniversary of your employment date. The Plan contains specific rules for crediting Hours of Service for vesting purposes. The Administrator will track your service and will credit you with a Year of Service for each applicable 12-month period in which you are credited with the required Hours of Service, in accordance with the terms of the Plan. If you have any questions regarding your vesting service, you should contact the Administrator.

Hour of Service. You will be credited with your actual Hours of Service for:

- (a) each hour for which you are directly or indirectly compensated by the Employer for the performance of duties during the Plan Year;
- (b) each hour for which you are directly or indirectly compensated by the Employer for reasons other than the performance of duties (such as vacation, holidays, sickness, disability, lay-off, military duty, jury duty or leave of absence during the Plan Year); and
- (c) each hour for back pay awarded or agreed to by the Employer.

You will not be credited for the same Hours of Service both under (a) or (b), as the case may be, and under (c). For Employees for whom records of actual Hours of Service are not maintained or available (e.g., salaried Employees) the monthly equivalency method (190 hours per month) will be used.

What service is counted for vesting purposes?

Service with the Employer. In calculating your vested percentage, all service you perform for the Employer will generally be counted.

Military Service. If you are a veteran and are reemployed under the Uniformed Services Employment and Reemployment Rights Act of 1994, your qualified military service may be considered service with the Employer. If you may be affected by this law, ask the Administrator for further details.

When will the non-vested portion of my account balance be forfeited?

If you are partially vested in your account balance when you leave, the non-vested portion of your account balance will be forfeited on the earlier of the date:

- (a) of the distribution of your vested account balance, or
- (b) when you incur five consecutive 1-year Breaks in Service.

ARTICLE VI BENEFITS AND DISTRIBUTIONS UPON TERMINATION OF EMPLOYMENT

When can I get money out of the Plan?

You may receive a distribution of the vested portion of some or all of your accounts in the Plan for the following reasons:

- termination of employment for reasons other than death, disability or retirement

- normal retirement
- disability
- death

This Plan is designed to provide you with retirement benefits. However, distributions are permitted if you die or become disabled. In addition, certain payments are permitted when you terminate employment for any other reason. The rules under which you can receive a distribution are described in this Article. The rules regarding the payment of death benefits to your beneficiary are described in "Benefits and Distributions Upon Death."

Military Service. If you are a veteran and are reemployed under the Uniformed Services Employment and Reemployment Rights Act of 1994, your qualified military service may be considered service with the Employer. There may also be benefits for employees who die or become disabled while on active duty. Employees who receive wage continuation payments while in the military may benefit from various changes in the law. If you think you may be affected by these rules, ask the Administrator for further details.

Distributions for deemed severance of employment. If you are on active duty for more than 30 days, then the Plan generally treats you as having severed employment for distribution purposes. This means that you may request a distribution from the Plan.

What happens if I terminate employment before death, disability or retirement?

If your employment terminates for reasons other than death, disability or normal retirement, you will be entitled to receive only the "vested percentage" of your account balance.

If your vested account balance exceeds \$5,000, you may elect to have your vested account balance distributed to you as soon as administratively practicable following the Participant's formal request for the distribution. The Participant may only request the distribution after 30 days following Severance from Employment.

If your vested account balance does not exceed \$5,000, a distribution of your vested account balance may be made to you as soon as administratively practicable following the Participant's formal request for the distribution. The Participant may only request the distribution after 30 days following Severance from Employment. However, if the value of your vested account balance does not exceed \$1,000, the distribution will be made to you regardless of whether you consent to receive it. (See the question entitled "How will my benefits be paid to me?" for an explanation of how these amounts will be paid.)

Treatment of rollovers for consent to distribution. In determining if the value of your vested account balance exceeds the \$1,000 threshold described above used to determine whether you must consent to a distribution, your rollover account will be considered as part of your benefit.

Treatment of rollovers for timing of payments. In determining whether the \$5,000 threshold described above for timing of payments has been exceeded, amounts in your rollover account will be considered as part of your benefit.

What happens if I terminate employment at Normal Retirement Date?

Normal Retirement Date. You will attain your Normal Retirement Age when you reach age 55, or your 4th anniversary of joining the Plan, if later. However, if you are a public safety employee (as defined in the Internal Revenue Code) then your Normal Retirement Age is 50. Your Normal Retirement Date is the date on which you attain your Normal Retirement Age.

Normal Retirement Date. You will attain your Normal Retirement Age when 50. Your Normal Retirement Date is the date on which you attain your Normal Retirement Age.

Payment of benefits. You will become 100% vested in all of your accounts under the Plan if you retire on or after your Normal Retirement Age. However, the actual payment of benefits generally will not begin until you have terminated employment and reached your Normal Retirement Date. In such event, a distribution will be made, at your election, as soon as administratively feasible. If you remain employed past your Normal Retirement Date, you may generally defer the receipt of benefits until you actually terminate employment. (See the question entitled "How will my benefits be paid to me?" for an explanation of how these benefits will be paid.)

What happens if I terminate employment due to disability?

Definition of disability. Under the Plan, disability is defined as total and permanent incapacitation for duty in the employ of the Employer subject to the provisions of 2.96.290 and 2.96.320 of the Livonia Code of Ordinances.

Payment of benefits. If you become disabled while an employee, you will become 100% vested in all of your accounts under the Plan. Payment of your disability benefits will be made to you as if you had retired. However, if the value of your account balance does not exceed \$1,000, then a distribution of your account balance will be made to you, regardless of whether you consent to receive it. (See the question entitled "How will my benefits be paid to me?" for an explanation of how these benefits will be paid.)

How will my benefits be paid to me?

Forms of distribution. If your vested account balance does not exceed \$5,000, then your vested account balance may only be distributed to you in a single lump-sum payment. In determining whether your vested account balance exceeds the \$5,000 threshold, "rollovers" (and any earnings allocable to "rollover" contributions) will be taken into account.

In addition, if your vested account balance exceeds \$1,000, you must consent to any distribution before it may be made. If your vested account balance exceeds \$5,000, you may elect to receive a distribution of your vested account balance in:

- a single lump-sum payment
- installments over a period of not more than your assumed life expectancy (or the assumed life expectancies of you and your beneficiary)
- partial withdrawals
- the following type of annuity: Fixed: monthly, quarterly, semi-annually or annually over period certain of 3-20 years; monthly of participant's life or if longer, period certain 5, 10, 15, 20; monthly over participant's life; monthly of participant's life continuing for beneficiary's life of 50% or 100%. Variable: monthly of participant's life or if longer, period certain 5, 10, 15, 20; monthly over participant's life; monthly of participant's life continuing for beneficiary's life of 50% or 100%.

Delaying distributions. You may delay the distribution of your vested account balance unless a distribution is required to be made, as explained earlier, because your vested account balance does not exceed \$1,000. However, if you elect to delay the distribution of your vested account balance, there are rules that require that certain minimum distributions be made from the Plan. Distributions are required to begin not later than the April 1st following the later of the end of the year in which you reach age 70 1/2 or retire.

Medium of payment. Benefits under the Plan will generally be paid to you in cash only.

ARTICLE VII BENEFITS AND DISTRIBUTIONS UPON DEATH

What happens if I die while working for the Employer?

If you die while still employed by the Employer, then your vested account balance will be used to provide your beneficiary with a death benefit.

Who is the beneficiary of my death benefit?

Beneficiary designation. You may designate a beneficiary for your death benefit. The designation must be made in accordance with the procedures set forth by the Administrator. You should periodically review your designation to ensure it continues to meet your goals.

Divorce. If you have designated your spouse as your beneficiary for all or a part of your death benefit, then upon your divorce, the designation is no longer valid. This means that if you do not select a new beneficiary after your divorce, then you are treated as not having a beneficiary for that portion of the death benefit (unless you have remarried).

No beneficiary designation. At the time of your death, if you have not designated a beneficiary or the individual named as your beneficiary is not alive, then the death benefit will be paid in the following order of priority to: First to the Participant's spouse; then to the Participant's estate.

How will the death benefit be paid to my beneficiary?

Form of distribution. If the death benefit payable to a beneficiary does not exceed \$5,000, then the benefit may only be paid as a lump-sum. If the death benefit exceeds \$5,000, your beneficiary may elect to have the death benefit paid in:

- a single lump-sum payment
- installments over a period of not more than the assumed life expectancy of your beneficiary
- partial withdrawals
- Fixed: monthly, quarterly, semi-annually or annually over period certain of 3-20 years; monthly of participant's life or if longer, period certain 5, 10, 15, 20; monthly over participant's life; monthly of participant's life continuing for beneficiary's life of 50% or 100%. Variable: monthly of participant's life or if longer, period certain 5, 10, 15, 20; monthly over participant's life; monthly of participant's life continuing for beneficiary's life of 50% or 100%.

When must the last payment be made to my beneficiary?

The law generally restricts the ability of a retirement plan to be used as a method of retaining money for purposes of your death estate. Thus, there are rules that are designed to ensure that death benefits are distributable to beneficiaries within certain time periods.

Regardless of the method of distribution selected, if your designated beneficiary is a person (rather than your estate or some trusts) then minimum distributions of your death benefit will begin by the end of the year following the year of your death ("1-year rule") and must be paid over a period not extending beyond your beneficiary's life expectancy. If your spouse is the beneficiary, then under the "1-year rule," the start of payments will be delayed until the year in which you would have attained age 70 1/2 unless your spouse elects to begin distributions over his or her life expectancy before then. However, instead of the "1-year rule" your beneficiary may elect to have the entire death benefit paid by the end of the fifth year following the year of your death (the "5-year rule"). Generally, if your beneficiary is not a person, your entire death benefit must be paid under the "5-year rule."

What happens if I'm a participant, terminate employment and die before receiving all my benefits?

If you terminate employment with the Employer and subsequently die, your beneficiary will be entitled to your remaining interest in the Plan at the time of your death. The provision in the Plan providing for full vesting of your benefit upon death does not apply if you die after terminating employment.

ARTICLE VIII TAX TREATMENT OF DISTRIBUTIONS

What are my tax consequences when I receive a distribution from the Plan?

Generally, you must include any Plan distribution in your taxable income in the year in which you receive the distribution. The tax treatment may also depend on your age when you receive the distribution. Certain distributions made to you when you are under age 59 1/2 could be subject to an additional 10% tax. You will not be taxed on your after-tax voluntary contributions to the Plan when they are distributed from the Plan. You will, however, be taxed on income attributable to those contributions.

Can I elect a rollover to reduce or defer tax on my distribution?

Rollover or Direct Transfer. You may reduce, or defer entirely, the tax due on your distribution through use of one of the following methods:

- (a) **60-day rollover.** The rollover of all or a portion of the distribution to an Individual Retirement Account or Annuity (IRA) or another employer retirement plan willing to accept the rollover. This will result in no tax being due until you begin withdrawing funds from the IRA or other qualified employer plan. The rollover of the distribution, however, **MUST** be made within strict time frames (normally, within 60 days after you receive your distribution). Under certain circumstances, all or a portion of a distribution may not qualify for this rollover treatment. In addition, most distributions will be subject to mandatory federal income tax withholding at a rate of 20%. This will reduce the amount you actually receive. For this reason, if you wish to roll over all or a portion of your distribution amount, then the direct transfer option described in paragraph (b) below would be the better choice.
- (b) **Direct rollover.** For most distributions, you may request that a direct transfer (sometimes referred to as a direct rollover) of all or a portion of a distribution be made to either an Individual Retirement Account or Annuity (IRA) or another employer retirement plan willing to accept the transfer. A direct transfer will result in no tax being due until you withdraw funds from the IRA or other employer plan. Like the rollover, under certain circumstances all or a portion of the amount to be distributed may not qualify for this direct transfer. If you elect to actually receive the distribution rather than request a direct transfer, then in most cases 20% of the distribution amount will be withheld for federal income tax purposes.

Tax Notice. WHENEVER YOU RECEIVE A DISTRIBUTION THAT IS AN ELIGIBLE ROLLOVER DISTRIBUTION, THE ADMINISTRATOR WILL DELIVER TO YOU A MORE DETAILED EXPLANATION OF THESE OPTIONS. HOWEVER, THE RULES WHICH DETERMINE WHETHER YOU QUALIFY FOR FAVORABLE TAX TREATMENT ARE VERY COMPLEX. YOU SHOULD CONSULT WITH QUALIFIED TAX COUNSEL BEFORE MAKING A CHOICE.

ARTICLE IX LOANS

Is it possible to borrow money from the Plan?

Yes. Loans are permitted in accordance with the Plan Loan Policy. If you wish to receive a copy of the Loan Policy, please contact the Plan Administrator.

ARTICLE X PROTECTED BENEFITS AND CLAIMS PROCEDURES

Are my benefits protected?

As a general rule, your interest in your account, including your "vested interest," may not be alienated. This means that your interest may not be sold, used as collateral for a loan (other than for a Plan loan), given away or otherwise transferred. In addition, your creditors (other than the IRS) may not attach, garnish or otherwise interfere with your benefits under the Plan.

Are there any exceptions to the general rule?

There are three exceptions to this general rule. The Administrator must honor a "qualified domestic relations order." A "qualified domestic relations order" is defined as a decree or order issued by a court that obligates you to pay child support or alimony, or otherwise allocates a portion of your assets in the Plan to your spouse, former spouse, children or other dependents. If a qualified domestic relations order is received by the Administrator, all or a portion of your benefits may be used to satisfy that obligation. The Administrator will determine the validity of any domestic relations order received. You and your beneficiaries can obtain from the Administrator, without charge, a copy of the procedure used by the Administrator to determine whether a qualified domestic relations order is valid.

The second exception applies if you are involved with the Plan's operation. If you are found liable for any action that adversely affects the Plan, the Administrator can offset your benefits by the amount that you are ordered or required by a court to pay the Plan. All or a portion of your benefits may be used to satisfy any such obligation to the Plan.

The last exception applies to Federal tax levies and judgments. The Federal government is able to use your interest in the Plan to enforce a Federal tax levy and to collect a judgment resulting from an unpaid tax assessment.

Can the Plan be amended?

Your Employer has the right to amend the Plan at any time. In no event, however, will any amendment authorize or permit any part of the Plan assets to be used for purposes other than the exclusive benefit of participants or their beneficiaries. Additionally, no amendment will cause any reduction in the amount credited to your account.

What happens if the Plan is discontinued or terminated?

Although your Employer intends to maintain the Plan indefinitely, your Employer reserves the right to terminate the Plan at any time. Upon termination, no further contributions will be made to the Plan and all amounts credited to your accounts will become 100% vested. Your Employer will direct the distribution of your accounts in a manner permitted by the Plan as soon as practicable. (See the question entitled "How will my benefits be paid to me?" for a further explanation.) You will be notified if the Plan is terminated.

How do I submit a claim for Plan benefits?

Benefits will generally be paid to you and your beneficiaries without the necessity for formal claims. Contact the Administrator if you are entitled to benefits or if you think an error has been made in determining your benefits. Any such request should be in writing.

If the Administrator determines the claim is valid, then you will receive a statement describing the amount of benefit, the method or methods of payment, the timing of distributions and other information relevant to the payment of the benefit.

What if my benefits are denied?

Your request for Plan benefits will be considered a claim for Plan benefits, and it will be subject to a full and fair review. If your claim is wholly or partially denied, the Administrator will provide you with notification of the Plan's adverse determination. This written or electronic notification will be provided to you within a reasonable period of time.

ARTICLE XI GENERAL INFORMATION ABOUT THE PLAN

There is certain general information which you may need to know about the Plan. This information has been summarized for you in this Article.

Plan Name

The full name of the Plan is City of Livonia 401(a) Money Purchase Plan and Trust.

Plan Effective Dates

This Plan was originally effective on September 17, 1997. The amended and restated provisions of the Plan become effective on May 9, 2022. However, this restatement was made to conform the Plan to new tax laws and some provisions may be retroactively effective.

Other Plan Information

Valuations of the Plan assets are generally made every business day. Certain distributions are based on the Anniversary Date of the Plan. This date is the last day of the Plan Year.

The Plan's records are maintained on a twelve-month period of time. This is known as the Plan Year. The Plan Year begins on January 1st and ends on December 31st.

Employer Information

Your Employer's name, address and identification number are:

City of Livonia
33000 Civic Center Drive
Livonia, Michigan 48154

38-6005820

Administrator Information

The Administrator is responsible for the day-to-day administration and operation of the Plan. For example, the Administrator maintains the Plan records, including your account information, provides you with the forms you need to complete for Plan participation, and directs the payment of your account at the appropriate time. The Administrator will also allow you to review the formal Plan document and certain other materials related to the Plan. If you have any questions about the Plan or your participation, you should contact the Administrator. The Administrator may designate other parties to perform some duties of the Administrator.

The Administrator has the complete power, in its sole discretion, to determine all questions arising in connection with the administration, interpretation, and application of the Plan (and any related documents and underlying policies). Any such determination by the Administrator is conclusive and binding upon all persons.

Your Administrator's name and contact information are:

City of Livonia
33000 Civic Center Drive
Livonia, Michigan 48154

(734) 466-2530

Plan Trustee Information and Plan Funding Medium

All money that is contributed to the Plan is held in a trust fund. The Trustee is responsible for the safekeeping of the trust fund and must hold and invest Plan assets in a prudent manner and in the best interest of you and your beneficiaries. The trust fund established by the Plan's Trustee(s) will be the funding medium used for the accumulation of assets from which benefits will be distributed. While all the Plan assets are held in a trust fund, the Administrator separately accounts for each Participant's interest in the Plan.

The Plan's Trustee is:

Principal Bank

510 North Valley Mills Drive, Suite 400
Waco, Texas 76710

ADDENDUM

Notwithstanding Section 24 and Section 31 of the Adoption Agreement, the contribution rates for Employer Contributions and Mandatory Employee Contributions are as follows:

GENERAL TRANSFER	Hired Before	EE Cont %	ER Cont %	GENERAL NEW	Hired on or after	EE Cont %	ER Cont %
Local 1917 Transfer	3/17/1997	3.66	13	Local 1917 New	3/17/1997	3.66	8
Local 192 Transfer	3/17/1997	3.1	13	Local 192 New	3/17/1997	3.1	8
General Transfer	3/17/1997	3.1	13	General New	3/17/1997	3.1	8
Court Transfer	3/17/1997	3.1	13	Court New	3/17/1997	3.1	8
Dispatchers Transfer	3/17/1997	3.1	13	Dispatchers New	3/17/1997	3.1	8
Elected Transfer	3/17/1997	3.1	13	Elected New	3/17/1997	3.1	8
Police Service Aide	3/17/1997	N/A	N/A	Police Service Aide	3/17/1997	3.1	8

POLICE TRANSFER	Hired Before	EE Cont %	ER Cont %	POLICE NEW	Hired on or after	EE Cont %	ER Cont %
LPOA Transfer	11/24/1998	5	13	LPOA New	11/24/1998	5	11
LT & SGT Transfer	12/8/1997	5.21	13	LT & SGT New	12/8/1997	5.21	11
PO Admin. Transfer	12/8/1997	5.21	13	PO Admin. New	12/8/1997	5.21	11

FIRE TRANSFER	Hired Before	EE Cont %	ER Cont %	FIRE NEW	Hired on or after	EE Cont %	ER Cont %
FF Transfer	7/1/1998	4.5	13	FF New	7/1/1998	4.5	11
FF Admin. Transfer	7/1/1998	4.5	13	FF Admin. New	7/1/1998	4.5	13

CITY OF LIVONIA 401(A) MONEY PURCHASE PLAN TRUST

The Employer hereby establishes or restates the City of Livonia 401(a) Money Purchase Plan Trust, pursuant to the following terms and conditions. The Trustee accepts the Trust hereby created and agrees to perform the obligations this Trust imposes on the Trustee.

ARTICLE I DEFINITIONS

1.01 Plan. This Trust is associated with the following plan ("the Plan"): City of Livonia 401(a) Money Purchase Plan and Trust, which is intended to be qualified under Code §401(a). All of the definitions of the Plan are incorporated into this Trust by reference. All "Section" references in this Trust are to provisions of the Trust and not to Provisions of the Plan, unless otherwise clearly indicated. The Trustee may rely upon the terms of the Plan, including identification of the Named Fiduciary and Plan Administrator, as well as any documents relating to the Plan provided by the Employer, Named Fiduciary, or Plan Administrator, until such time as the Trustee receives a replacement document or a revocation of the prior document.

1.02 Trustee. Trustee means the person or persons who as Trustee, Insurer, or Custodian execute the Trust, or any successor in office who in writing accepts the position. Such signature shall indicate the capacity in which the person is agreeing to serve, either as Discretionary Trustee, Directed Trustee, Insurer, or Custodian. The Trustee is identified in Article 4. References to Trustee do not include a Special Trustee (as described in Section 2.06), unless the context requires otherwise. If the Plan is funded totally by insurance contracts, the Insurer shall be the Trustee and shall have all powers of a Custodian hereunder. If the sponsor is a bank, savings and loan, trust company, credit union or similar institution, a person or entity other than the sponsor (or its affiliates or subsidiaries) may not serve as Trustee without the written consent of the pre-approved plan sponsor.

1.03 Custodian. The Employer may appoint a custodian of the Plan assets. A Custodian has the same powers, rights and duties as a Directed Trustee hereunder. Any reference in the Plan to a Trustee also is a reference to a Custodian unless the context of the Plan indicates otherwise. A limitation of the Trustee's liability by Plan provision also acts as a limitation of the Custodian's liability. The Custodian will be protected from any liability with respect to actions taken pursuant to the direction of the Trustee, Plan Administrator, the Employer, an Investment Manager, a named Fiduciary or other third party with authority to provide direction to the Custodian. It is not intended under this agreement that a Custodian have any duties or obligations that would cause it to become a fiduciary as that term is defined pursuant to ERISA. The resignation or removal of the Custodian shall be made in accordance with the terms of this document. Notwithstanding the foregoing, if a Custodian is a bank which, under its governing state law, does not possess trust powers, then Sections 2.01(A), (C) as it relates to common trust funds or collective investment funds, (D), (E), (G), and (J), and Section 3.08 do not apply and the Custodian only has the power and the authority to exercise the remaining powers under Section 2.01 and to perform the duties under Section 2.05.

1.04 Trust Fund. The Trust Fund means and includes all property of every kind acquired by the Plan and held by the Trust, other than incidental benefit insurance contracts. The Trust Fund is intended to be a qualified trust under Code § 501(a); all contributions so received, together with the income therefrom and any other increment thereon, shall be held, invested, reinvested and administered by the Trustee pursuant to the terms of this agreement. All right, title and interest in and to the assets of the Trust Fund shall be at all times, vested exclusively in the Trustee. Only assets actually received by Trustee will become part of the Trust Fund. Plan Sponsor acknowledges and agrees that it is responsible for effectuating the transfer of any assets held by a prior trustee or custodian to Trustee. All assets so received, together with the income there from and any other increment thereon, shall be held by Trustee pursuant to the terms of this agreement without distinction between principal and income and without liability for the payment of interest thereon. The Trustee shall have only such duties with respect to the Plan as are set forth in this agreement.

1.05 Effective Date. The Trust is effective on the Effective Date of the Plan. To the extent the Plan has operated under a prior trust agreement (including one incorporated into the Plan document), this document amends and restates the Trust effective as of the later of the date it is executed or when the Trustee receives assets.

1.06 Employer. The Employer means the Employer named in the Plan. By an appendix to this Trust, the Employer may provide that any and all powers of the Employer hereunder may be exercised by the Named Fiduciary specified in the Plan.

ARTICLE II TRUSTEE POWERS AND DUTIES

2.01 Discretionary Trustee Powers. A Discretionary Trustee has full discretion and authority with regard to the investment of the Trust Fund, except as to a Plan asset: (i) properly under the control or the direction of an Investment Manager, ancillary trustee or other Plan fiduciary; (ii) subject to proper Employer or Named Fiduciary direction of investment; or (iii) subject to proper Participant or Beneficiary direction of investment. The exercise of any investment discretion hereunder shall be consistent with the funding policy determined by the Employer. Any such policy shall be consistent with the objectives of this Plan and with the requirements of Title I of the Act. The Discretionary Trustee is authorized and empowered, but not by way of limitation, with the following powers:

(A) **General Powers.** To invest and reinvest the Trust Fund and to keep the Trust Fund invested without distinction between principal and income and in such securities or property, real or personal, wherever situated, as the Trustee shall deem advisable, including, but not limited to: any time deposits, or savings accounts, common or preferred stocks, open end or closed end mutual funds (including proprietary funds), put and call options traded on a national exchange, United States retirement plan bonds, corporate bonds, debentures, convertible debentures, commercial paper, U.S. Treasury bills, U.S. Treasury notes and other

direct or indirect obligations of the United States Government or its agencies, improved or unimproved real estate situated in the United States, limited partnerships, insurance contracts of any type, mortgages, notes or other property of any kind, real or personal, to buy or sell options on common stock on a nationally recognized exchange with or without holding the underlying common stock, to open and to maintain margin accounts, to engage in short sales, to buy and sell commodities, commodity options and contracts for the future delivery of commodities, and to make any other investments the Trustee deems appropriate. In making such investments, the Trustee shall not be restricted to securities or other property of the character expressly authorized by the applicable law for trust investments; however, the Trustee shall give due regard to any limitations imposed by the Code or the Act, so that at all times this Plan may qualify as a qualified Plan and Trust. The Trustee shall discharge its duties with respect to the Plan solely in the interest of the Participants and Beneficiaries and with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

(B) Liquidity. To retain in cash so much of the Trust Fund as it may deem advisable to satisfy liquidity needs of the Plan and to deposit any cash held in the Trust Fund in a bank or other institutional account at reasonable interest or without interest if the Trustee determines that such deposits are reasonable or necessary to facilitate a Plan transaction or for other purposes, but consistent with the Trustee's duties under Section 2.05.

(C) Trustee's Common/Collective Funds. To invest, if the Trustee is a bank or similar financial institution supervised by the United States or by any State, in any type of deposit of the Trustee (or of a bank related to the Trustee within the meaning of Code §414(b)) at a reasonable rate of interest or in a common trust fund, as described in Code §584, or in a collective investment fund, (including a group trust described in Section 3.08), the provisions of which govern the investment of such assets and which the Plan incorporates by this reference, which the Trustee (or its affiliate, as defined in Code §1504) maintains exclusively for the collective investment of money contributed by the bank (or the affiliate) in its capacity as Trustee and which conforms to the rules of the Comptroller of the Currency, as applicable.

(D) Real/Personal Property. To manage, sell, contract to sell, grant options to purchase, convey, exchange, transfer, abandon, improve, repair, insure, lease for any term even though commencing in the future or extending beyond the term of the Trust, and otherwise deal with all property, real or personal, in such manner, for such considerations and on such terms and conditions as the Trustee decides.

(E) Borrowing. To borrow or raise money for the purposes of the Plan in such amount, and upon such terms and conditions, as the Trustee shall deem advisable; and for any sum so borrowed, to issue a promissory note as Trustee, and to secure the repayment thereof by pledging all, or any part, of the Trust Fund. No person lending money to the Trust shall be bound to see to the application of the money lent or to inquire into the validity, expediency, or propriety of any borrowing.

(F) Claims. To compromise, contest, arbitrate or abandon claims and demands affecting the investment of Trust assets, in the Trustee's discretion. However, nothing in this paragraph requires a Participant or Beneficiary to arbitrate any claim under the Plan.

(G) Voting, Tender, Exercise. To have with respect to the Trust all of the rights of an individual owner, including the power to exercise any and all voting rights associated with Trust assets, including any stocks, bonds, or other securities; to give general or special proxies or powers of attorney with or without power of substitution; to exercise any conversion privileges, subscription rights or other options, and to make any payments incidental thereto; to oppose, or to consent to, or otherwise participate in, corporate reorganizations or other changes affecting corporate securities, and to delegate discretionary powers, and to pay any assessments or charges in connection therewith; and generally to exercise any of the powers of an owner with respect to stocks, bonds, securities, or other property.

(H) Mineral rights. To lease for oil, gas and other mineral purposes and to create mineral severances by grant or reservation; to pool or unitize interests in oil, gas and other minerals; and to enter into operating agreements and to execute division and transfer orders.

(I) Annuities or other Contracts. To apply for and procure from the Insurer as an investment of the Trust Fund any annuity or other Contracts (on the life of any Participant, or in the case of a profit sharing plan (including a 401(k) Plan), on the life of any person in whom a Participant has an insurable interest, or on the joint lives of a Participant and any person in whom the Participant has an insurable interest) as the Plan Administrator shall deem proper; to exercise, at any time or from time to time, whatever rights and privileges may be granted under such annuity, or other Contracts; to collect, receive, and settle for the proceeds of all such annuity, or other Contracts as and when entitled to do so under the provisions thereof.

(J) Title. To hold any securities or other property in the name of the Trustee or its nominee, with depositories or agent depositories or in another form as it may deem best, with or without disclosing the trust relationship. However, any securities held in a nominee or street name must be held on behalf of the Plan by: (a) a bank or trust company that is subject to supervision by the United States, any State, or a nominee of such bank or trust company; (b) a broker or dealer registered under the Securities Exchange Act of 1934 or a nominee of such broker or dealer; or (c) a clearing agency as defined in Securities Exchange Act of 1934, Section 3(a)(23), or its nominee.

(K) Hold Pending Dispute Resolution. To retain any funds or property subject to any dispute without liability for the payment of interest, and to decline to make payment or delivery of the funds or property until a court of competent jurisdiction makes final adjudication.

(L) Litigation. To settle, compromise, or submit to arbitration (provided such arbitration does not apply to Participants or Beneficiaries) any claims, debts, or damages due or owing to or from the Plan, to commence or defend suits or legal or administrative proceedings, and to represent the Plan in all suits and legal and administrative proceedings. The Trustee shall have no obligation to undertake, defend or continue to maintain any action or proceeding arising in connection with the Trust, unless and until the Employer requests the Trustee to do so and agrees in writing to indemnify the Trustee against the Trustee's costs, expenses and liabilities (including, without limitation, attorneys' fees and expenses) relating thereto, to be primarily liable for such payment and to make periodic payments in respect of such fees and expenses during the course of such proceedings. If the Employer thereafter does not pay such costs, expenses and liabilities in a reasonably timely manner, the Trustee shall discontinue participation in such action or proceeding, and charge the assets of the Trust Fund to the extent sufficient for any unpaid fees and expenses.

(M) Investment Policy. To adopt and to amend from time to time, an investment policy consistent with the Plan's funding policy.

(N) Bank. The Trustee may employ a bank or trust company pursuant to the terms of its usual and customary bank agency agreement, under which the duties of such bank or trust company shall be of a custodial, clerical and record keeping nature.

(O) Pooling Assets. To pool all or any of the Trust Fund, from time to time, with assets belonging to any other qualified employee pension benefit trust created by the Employer or any related or affiliated Employer, and to commingle such assets and make joint or common investments and carry joint accounts on behalf of this Plan and Trust and such other trust or trusts, allocating undivided shares or interests in such investments or accounts or any pooled assets of the two or more trusts in accordance with their respective interests.

(P) Catch All. To perform any and all other acts which in the Trustee's judgment are necessary or appropriate for the proper and advantageous management, investment and distribution of the Trust.

2.02 Directed Trustee. Except as otherwise provided herein, a Directed Trustee has all of the same powers as a Discretionary Trustee in Section 2.01 except that the Directed Trustee only may exercise such powers pursuant to a proper written direction. A "proper written direction" means the written direction of a Plan fiduciary or of a Participant or Beneficiary with authority over the Trust asset which is the subject of the direction. Written direction may be given electronically. The Employer and the Directed Trustee may, in writing, limit the powers of the Directed Trustee to any combination of powers listed within Section 2.01. The party which has the authority to manage and control the investment of the Plan assets shall discharge its duties with respect to the Plan solely in the interest of the Participants and Beneficiaries and with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. The Employer, in adopting this Trust, acknowledges and agrees:

(A) No Discretion. The Directed Trustee does not have any discretion as to the investment or the reinvestment of the Trust Fund and the Directed Trustee is acting solely as a directed fiduciary as to the assets comprising the Trust Fund, to the extent that the Directed Trustee has the authority to act upon such assets as granted by the Employer.

(B) No Review or Recommendations. The Directed Trustee does not have any duty to review or to make recommendations regarding investments made pursuant to a proper written direction.

(C) No Action Without Direction. The Directed Trustee must retain any investment obtained upon a proper written direction until receipt of another proper written direction to dispose of such investment.

(D) No Liability for Following Orders. The Directed Trustee is not liable in any manner or for any reason for making, retaining or disposing of any investment pursuant to any proper written direction.

(E) Indemnity. The Employer will indemnify, defend and hold the Directed Trustee harmless from any damages, costs or expenses, including reasonable attorneys' fees, which the Directed Trustee may incur as a result of any claim asserted against the Directed Trustee or the Trust arising out of the Directed Trustee's compliance with any proper written direction.

2.03 Agents. The Trustee may employ and pay from the Trust Fund reasonable compensation to agents, attorneys, accountants and other persons to advise the Trustee as in its opinion may be necessary. The Trustee reasonably may delegate to any agent, attorney, accountant or other person selected by it any power or duty vested in it by the Plan, to the extent that such delegation of power or duty is allowed under ERISA, and the Trustee may act reasonably or refrain from acting on the advice or opinion of any agent, attorney, accountant or other person so selected.

2.04 Orphaned Plan. If the Trustee determines that the Employer has abandoned the Plan, the Trustee (if qualified to so act) may appoint itself as a Qualified Termination Administrator ("QTA"), as defined in Department of Labor guidance, for purposes of terminating the Plan and distributing all Plan Accounts. As a QTA, the Trustee may undertake all authorized acts to wind up the Plan, including causing

the Trust to pay from Trust assets to the QTA and to other service providers a reasonable fee for services rendered. A Directed Trustee may serve as a QTA without regard to the receipt of proper written direction.

2.05 Duties. The Trustee agrees to perform the responsibilities expressly imposed on it hereunder. The Employer and the Trustee intend that nothing shall be construed to require the Trustee to perform any responsibility or function that it has no express authority to perform under this agreement. The Trustee agrees to the following duties:

(A) ERISA. If ERISA applies to the Plan and to the extent that ERISA so requires, to act: (a) solely in the interest of Participants and Beneficiaries for the exclusive purposes of providing benefits under the Plan and defraying the reasonable expenses of Plan administration; (b) with the care, skill, prudence and diligence under the circumstances then prevailing as would a prudent person acting in a like capacity and familiar with such matters; (c) by diversifying Trust investments so as to minimize the risk of large losses unless not prudent under the circumstances to do so; and (d) in accordance with the Plan to the extent that the Plan is consistent with ERISA.

(B) Investment Policy. To coordinate its investment policy with Plan financial needs as communicated to it by the Plan Administrator.

(C) Trust Accounting. To furnish to the Employer and to the Plan Administrator an annual statement of account showing the condition of the Trust Fund and all investments, receipts, disbursements and other transactions effected by the Trustee during the Plan Year covered by the statement, including the net income, or loss, of the Trust Fund, the gains, or losses, realized by the Trust Fund upon sales or other disposition of the assets, and the increase, or decrease, in the value of the Trust Fund, stating the assets of the Trust held at the end of the Plan Year. Such statements are conclusive on all persons, including the Employer and the Plan Administrator, except as to any act or transaction concerning which the Employer or the Plan Administrator files with the Trustee written exceptions or objections within 45 days after the receipt of the statements or for which ERISA authorizes a longer period within which to object. The Trustee also may agree with the Employer or Plan Administrator to provide the information described in this paragraph more frequently than annually. Nothing contained in this Section shall deprive the Trustee of any right to have its accounts judicially settled if the Trustee so desires. To the extent permitted by law, but subject to any express provision of applicable law as may be in effect from time to time to the contrary, no person other than the Plan Administrator or Employer may require an accounting or bring any action against the Trustee with respect to the assets of the Trust or its actions as Trustee.

(D) Trust Valuation. To the extent directed by the terms of the Plan, the Plan Administrator, or the Named Fiduciary, to report the value of the Trust Fund and as applicable, the value of the Trust assets within each Participant or Beneficiary Account provided, however, the Trustee reserves the right to notify the Plan Administrator or Named Fiduciary of any non-marketable securities or other property held under the Trust without a readily-determinable value, and such securities or other property shall be valued as determined by the Plan Administrator or Named Fiduciary or other fiduciary (but not the Trustee) at least annually. However, if the Trustee is a Directed Trustee (as defined in this document) the Named Fiduciary will value the assets and will provide the valuation to the Trustee, unless the Trustee and the Named Fiduciary agree that the Trustee will conduct the valuation. The Trustee may reasonably rely on any valuation the Named Fiduciary conducts and provides.

(E) Distributions. To credit and distribute the Trust Fund as the Plan Administrator directs. The Trustee is not obliged to inquire as to whether any payee or distributee is entitled to any payment or whether the distribution is proper or within the terms of the Plan, or as to the manner of making any payment or distribution. The Trustee is accountable only to the Plan Administrator for any payment or distribution made by it in good faith on the direction of the Plan Administrator. The Trustee must promptly notify the Plan Administrator of any unclaimed Plan payment or distribution and then dispose of the distribution in accordance with the Plan Administrator's direction, including any processes or limitations enumerated in the Plan document. The Trustee shall be released and discharged from all further accountability or liability respecting such assets of the Trust, shall be fully protected in making payments out of the assets of the Trust in accordance with such written directions, and shall have no responsibility to see to the application of such payments or to ascertain whether such directions comply with the provisions of the Plan.

(F) Fees/Expenses. To pay from the Trust Fund all reasonable Plan fees and expenses, and if applicable to allocate the fees and expenses to Plan Accounts, both as the Plan Administrator directs. Any fee or expense that the Employer pays, directly or indirectly, is not an Employer contribution to the Plan, provided the fee or the expense relates to the ordinary and necessary administration of the Trust Fund.

(G) Loans. To make loans to a Participant or to a Beneficiary in accordance with the Plan Administrator's direction and the terms of the Plan.

(H) Records/Statements. To keep the Trustee's Plan records open to the inspection of the Plan Administrator and the Employer at all reasonable times and to permit the review or audit of such records from time to time by any person or persons as the Employer or Plan Administrator may specify in writing. The Trustee must furnish the Plan Administrator with whatever information relating to the Trust Fund the Plan Administrator considers necessary to perform its duties as Plan Administrator.

(I) Tax Returns. To file all information and tax returns required of the Trustee.

(J) Incapacity. To follow the direction of the Plan Administrator with regard to distributions to any Participant or Beneficiary whom the Plan Administrator has determined to be incapacitated (such as physical or mental incapacity, or age as defined by the Plan). The Trustee also will provide any reasonable information and take any reasonable action that the Plan Administrator requests relating to a determination of incapacity or otherwise pertaining to the administration of the Account of any incapacitated person. The Trustee has no duty or liability with regard to such distributions except to follow the instructions of the Plan Administrator.

(K) Bond. To provide a bond for the faithful performance of its duties as Trustee under the Trust to the extent required by ERISA.

(L) Contributions. To receive, take and hold any contributions paid to the Trustee by the Employer in cash or, in the case of a profit sharing plan, such other property as may be acceptable to the Trustee. All contributions so received together with the income therefrom and any other increment thereon shall be held managed and administered by the Trustee pursuant to the terms of this Trust without distinction between principal and income and without liability for the payment of interest thereon. Notwithstanding the foregoing, the Trustee agrees to perform the responsibilities expressly imposed on it. The Employer and the Trustee intend that nothing shall be construed to require the Trustee to perform any responsibility or function that it has no express authority to perform under this agreement.

2.06 Duty to Collect Employer Contributions.

(A) Duty. A discretionary Trustee has the duty to collect Employer contributions, including, but not limited to, elective deferrals, except to the extent such duty is limited by the Employer or as provided in paragraph (B). A Directed Trustee does not have the duty to collect employer contributions and the Employer represents and warrants that it either has responsibility as a "named fiduciary" (as defined in ERISA §402(a)(2)) or has properly delegated the responsibility to a Plan fiduciary, other than the Directed Trustee, for determining the correctness, amount and timing of contributions and for the collection of contributions. This duty is effective no sooner than the later of the date the Employer signs this Agreement or the date the Trustee or Special Trustee executes either this Agreement or otherwise accepts its responsibilities under the Agreement.

(B) Special Trustee. If a Special Trustee has been appointed, the Special Trustee will have the duty to collect Employer Contributions, working with the highest-ranking officer of the Employer in the case of resignation or removal until another Trustee is appointed. This is the sole duty of the Special Trustee, acting in that capacity. No other Trustee has any duty to ensure that the contributions received comply with the provisions of the Plan or is obliged to collect any contributions from the Employer. No Trustee, other than the Special Trustee, is obliged to ensure that funds deposited are deposited according to the provisions of the Plan. The Special Trustee will either execute the Trust Agreement or a form accepting its position and agreeing to its obligations hereunder. The Special Trustee may perform any and all acts which in the Special Trustee's judgment are necessary or appropriate for the proper and advantageous discharge of its responsibilities.

(C) Standards. In determining how to discharge any duty to collect contributions, a Trustee, Special Trustee, or other Named Fiduciary of the Plan should weigh the value of the Plan assets involved, the likelihood of a successful recovery, and the expenses expected to be incurred. Among other factors, a Trustee, Special Trustee or other Named Fiduciary of the Plan may take into account the Employer's solvency in deciding whether to expend Plan assets to pursue a claim.

ARTICLE III ADMINISTRATIVE PROVISIONS

3.01 Co-fiduciary Liability. Each fiduciary under the Trust is responsible solely for his/her or its own acts or omissions. A fiduciary does not have any liability for another fiduciary's breach of fiduciary responsibility with respect to the Trust unless the fiduciary: (a) participates knowingly in or undertakes to conceal the breach; (b) has actual knowledge of the breach and fails to take reasonable remedial action to remedy the breach; or (c) through failure to perform his/her or its own specific fiduciary responsibilities that give rise to fiduciary status, the fiduciary has enabled the other fiduciary to commit a breach of the latter's fiduciary responsibility.

3.02 Limitation of Liability.

(A) Apportionment of duties. The Named Fiduciary, the Trustee(s) and any properly appointed Investment Manager may execute a written agreement as a part of this Plan delineating the duties, responsibilities and liabilities of the Investment Manager or Trustee(s) with respect to any part of the Trust Fund under the control of the Investment Manager or the Trustee(s).

(B) Investment Manager. The Trustee is not liable for the acts or omissions of any Investment Manager the Named Fiduciary may appoint, nor is the Trustee under any obligation to invest or otherwise to manage any asset of the Trust Fund which is subject to the management of a properly appointed Investment Manager. If investment of the Plan assets is to be directed in whole or in part by an Investment Manager, the Trustee shall be under no duty or obligation to review any investment to be acquired, held or disposed of pursuant to such directions nor to make any recommendations with respect to the disposition or retention of any such investment. The Trustee shall have no liability or responsibility for acting or not acting pursuant to the direction of, or failing to act in the absence of any direction from, the Investment Manager.

(C) **Other Fiduciaries.** The Trustee is not liable for the acts or omissions of any ancillary trustee or independent fiduciary properly appointed under Section 3.06. However, if a Discretionary Trustee, pursuant to the delegation described in Section 3.06, appoints an ancillary trustee, the Discretionary Trustee is responsible for the periodic review of the ancillary trustee's actions and the ancillary trustee must exercise its delegated authority in accordance with the terms of the Plan and in a manner consistent with ERISA.

(D) **Indemnity.** To the extent permitted by the Code and ERISA, the Employer agrees to indemnify and hold harmless the Trustee against any and all claims, losses, damages, expenses and liabilities the Trustee may incur in the exercise and performance of the Trustee's powers and duties hereunder, unless the same are judicially determined to be due to gross negligence or willful misconduct; including, but not limited to, attorney's fees in expenses covered. This provision applies whether or not the Trustee has resigned or has been removed.

(E) **Receipt of Assets.** The Trustee shall have no duty or responsibility to inquire as to the propriety of the amount, value or type of assets transferred to the Trust, nor to conduct any due diligence with respect to such assets; provided, however, that such assets are otherwise eligible to be held by the Trustee under the terms of the Plan.

(F) **Insurer.** The Trustee (other than an Insurer acting as Trustee) shall not be responsible for the validity of the provisions under an insurance contract issued to the Plan or for the failure or refusal by the Insurer to provide benefits under such contract. The Trustee is also not responsible for any action or failure to act by the Insurer or any other person which results in the delay of a payment under the contract or which renders the contract invalid or unenforceable in whole or in part.

(G) **Direction.** If the Trustee shall be directed by a Participant (pursuant to Plan authorized procedures), the Employer, or an Investment Manager or other agent appointed by the Employer with respect to the investment of any or all Plan assets, the Trustee shall have no liability with respect to the investment of such assets, but shall be responsible only to execute such investment instructions as so directed. In addition, if the investment of Plan assets is to be directed by Participants, the Plan Administrator, Employer or other designated Named Fiduciary shall be solely responsible for the Plan satisfying the various criteria set forth in Department of Labor Regulation §2550.404c-1 for qualification as an "ERISA Section 404(c) Plan."

(1) **Reliance.** The Trustee shall be entitled to rely fully on the written (or other form acceptable to the Plan Administrator and the Trustee, including but not limited to, voice recorded) instructions of a Participant (pursuant to the Plan procedures), the Employer, or any fiduciary or nonfiduciary agent of the Employer, in the discharge of such duties, and shall not be liable for any loss or other liability resulting from such direction (or lack of direction) of the investment of any part of the Plan assets.

(2) **Delegation.** The Trustee may delegate the duty of executing such instructions to any nonfiduciary agent, which may be an affiliate of the Trustee or any Plan representative.

(3) **Refusal.** The Trustee may refuse to comply with any direction from the Participant in the event the Trustee, in its sole and absolute discretion, deems such direction improper by virtue of applicable law. The Trustee shall not be responsible or liable for any loss or expense that may result from the Trustee's refusal or failure to comply with any direction from the Participant.

(4) **Costs.** Any costs and expenses related to compliance with the Participant's directions shall be borne by the Participant's Directed Account, unless paid by the Employer.

(5) **Collectibles.** Notwithstanding anything herein above to the contrary, the Trustee shall not invest any portion of a Participant's Directed Account in "collectibles" within the meaning of Code §408(m).

3.03 Multiple Trustees. An Employer may appoint one or more Trustees to perform duties in Section 2.01 for specified assets in the Plan if the Trustees accept such appointment. Multiple Trustees may consist of financial institutions or individuals in any combination at the election of the Employer. If multiple parties act as Trustee over specified assets in the Plan, the power or duties of the Trustee shall be interpreted as applying to each such Trustee only with respect to the assets of the Trust Fund for which such Trustee is the Trustee. Each Trustee shall have no responsibility for, or liability with respect to, any of the Trust Fund other than the assets for which it serves as Trustee.

(A) **Majority Decisions.** If more than two persons act as Trustee, a decision of the majority of such persons controls with respect to any decision regarding the administration or the investment of the Trust Fund or of any portion of the Trust Fund with respect to which such persons jointly act as Trustee. Except as provided in paragraph (B), the Trustees jointly will manage and control the assets of the Trust Fund (or those Trust assets as to which they act as Trustee).

(B) **Multiple Institutional Trustees.** If there is more than one Trustee which is a financial institution, each Trustee shall be the Trustee only with respect to those assets specifically deposited by the Employer in the Trust Fund for which such Trustee is the Trustee. References in the Trust to the responsibilities, power or duties of the Trustee shall be interpreted as applying to each such Trustee only with respect to the assets of the Trust Fund for which such Trustee is the Trustee. Each Trustee shall have no responsibility for, or liability with respect to, any of the Trust Fund other than the assets for which it serves as Trustee.

(C) **Allocation.** Multiple Trustees may allocate among themselves specific responsibilities or obligations or may authorize one or more of them, either individually or in concert, to exercise any or all of the powers granted to the Trustee, or to perform any or all of the duties assigned to the Trustee under this Trust.

(D) **Signature.** The signature of only one Trustee is necessary to effect any transaction on behalf of the Trust (or as to those Trust assets as to which the signatory acts as Trustee).

3.04 Trustee Fees and Expenses. A Trustee will receive reasonable compensation and reimbursement for reasonable Trust expenses (including counsel fees) actually incurred as Trustee, as set forth in the Trustee's fee schedule (if the Trustee has such a schedule), or as may be agreed upon from time to time by the Employer and the Trustee. No person who is receiving full pay from the Employer may receive compensation (except for reimbursement of Plan expenses) for services as Trustee. As the Plan Administrator or Employer directs, such fees and expenses will be paid by the Employer, or the Trustee will charge the Trust for the fees or expenses. If, within a reasonable time after a Plan related fee or expense is incurred (or if within the time specified in any agreement between the Plan and the Trustee regarding payment of a fee or expense) the Plan Administrator does not communicate the Employer's decision regarding payment or if the Employer does not pay the fee or expense, the Trustee may charge the Trust for such reasonable fees and expenses as are not settlor expenses. All taxes of any kind whatsoever that may be levied or assessed under existing or future laws upon, or in respect of, the Trust Fund or the income thereof, shall be paid from the Trust Fund.

3.05 Third Party Reliance. A person dealing with the Trustee is not obligated to see to the proper application of any money paid or property delivered to the Trustee, or to inquire whether the Trustee has acted pursuant to any of the terms of the Plan. Each person dealing with the Trustee may act upon any notice, request or representation in writing by the Trustee, or by the Trustee's duly authorized agent, and is not liable to any person in so acting. The certificate of the Trustee that it is acting in accordance with the Plan is conclusive in favor of any person relying on the certificate.

3.06 Appointment of Ancillary Trustee or Independent Fiduciary

(A) **Appointment.** The Employer or Named Fiduciary, in writing, may appoint any qualified person in any state to act as ancillary trustee with respect to a designated portion of the Trust Fund, subject to any consent required under the Plan. An ancillary trustee must acknowledge in writing its acceptance of the terms and conditions of its appointment as ancillary trustee and its fiduciary status under ERISA.

(B) **Powers.** The ancillary trustee has the rights, powers, duties and discretion as the Employer may delegate, subject to any limitations or directions specified in the agreement appointing the ancillary trustee and to the terms of the Plan or of ERISA. The Employer may delegate its responsibilities under this Section 3.06 to a Discretionary Trustee (subject to the acceptance by such Discretionary Trustee of that delegation), but the Employer may not delegate its responsibilities to a Directed Trustee. The investment powers delegated to the ancillary trustee may include any investment powers available under Section 2.01. The delegated investment powers may include the right to invest any portion of the assets of the Trust Fund in a common trust fund, as described in Code §584, or in any collective investment fund, the provisions of which govern the investment of such assets and which the Plan incorporates by this reference, but only if the ancillary trustee is a bank or similar financial institution supervised by the United States or by a state and the ancillary trustee (or its affiliate, as defined in Code §1504) maintains the common trust fund or collective investment fund exclusively for the collective investment of money contributed by the ancillary trustee (or its affiliate) in a trustee capacity and which conforms to the rules of the Comptroller of the Currency, as applicable. The Employer also may appoint as an ancillary trustee, the trustee of any group trust fund designated for investment pursuant to the provisions of Section 3.08.

(C) **Resignation/Removal.** The ancillary trustee may resign its position and the Employer may remove an ancillary trustee as provided in Section 3.07 regarding resignation and removal of the Trustee. In the event of such resignation or removal, the Employer may appoint another ancillary trustee or may return the assets to the control and management of the Trustee.

(D) **Independent Fiduciary.** If the DOL requires engagement of an independent fiduciary to have control or management of all or a portion of the Trust Fund, the Employer will appoint such independent fiduciary, as directed by the DOL. The independent fiduciary will have the duties, responsibilities and powers prescribed by the DOL and will exercise those duties, responsibilities and powers in accordance with the terms, restrictions and conditions established by the DOL and, to the extent not inconsistent with ERISA, the terms of the Plan. The independent fiduciary must accept its appointment in writing and must acknowledge its status as a fiduciary of the Plan.

3.07 Resignation and Removal. The following provisions relate to Trustee resignation and removal and to appointment of a successor. They apply to a Special Trustee as well as a Trustee.

(A) **Resignation.** The Trustee may resign its position by giving written notice to the Named Fiduciary and to the Plan Administrator. The Trustee's notice must specify the effective date of the Trustee's resignation, which date must be at least 30 days following the date of the Trustee's notice, unless the Named Fiduciary consents in writing to shorter notice.

(B) **Removal.** The Employer or Named Fiduciary may remove a Trustee by giving written notice to the affected party. The Employer's notice must specify the effective date of removal which date must be at least 30 days following the date of the

Employer's notice, except where the Employer reasonably determines a shorter notice period or immediate removal is necessary to protect Plan assets.

(C) Successor Appointment. In the event of the death, incapacity, resignation or the removal of a Trustee, where no other Trustee continues to serve, the Employer must appoint a successor Trustee if it intends to continue the Plan. If two or more persons hold the position of Trustee, in the event of the removal of one such person, during any period the selection of a replacement is pending, or during any period such person is unable to serve for any reason, the remaining person or persons shall have full authority to act under the terms of the Plan as Trustee.

(1) Default Successor Trustee. Except as provided in subparagraph (2) below, if the Employer fails to appoint a successor Trustee as of the effective date of the Trustee resignation or removal and no other Trustee remains, the Trustee will treat the Employer as having appointed itself as Trustee and as having filed the Employer's acceptance of appointment as successor Trustee with the former Trustee. If state law prohibits the Employer from serving as successor Trustee, the appointed successor Trustee is the president of a corporate Employer, the managing partner of a partnership Employer, the managing member of a limited liability company Employer, the sole proprietor of a proprietorship Employer, or in the case of any other entity type, such other person with title and responsibilities similar to the foregoing.

(2) Default Custodian. If the Employer fails to appoint a successor Custodian as of the effective date of Custodian resignation or removal, the Trustee will direct the investment of Plan assets held by the former Custodian.

(D) Acceptance. Each successor Trustee succeeds its predecessor Trustee by accepting in writing its appointment as successor Trustee and by filing the acceptance with the former Trustee and the Plan Administrator. For this purpose, the successor Trustee's execution of this Trust or the Adoption Agreement to the Plan constitutes the Trustee's acceptance of its appointment as successor Trustee. The successor Trustee will also execute such other documents, if any, as the Plan Administrator may reasonably require in connection therewith.

(E) Outgoing Trustee. The resigning or removed Trustee, upon receipt of acceptance in writing of the Trust by the successor Trustee, must execute all documents and must perform all acts necessary to vest the title to Plan assets of record in any successor Trustee. In addition, to the extent reasonably necessary for the ongoing administration of the Plan, at the request of the Plan Administrator and the successor Trustee, the resigning or removed Trustee must transfer records, provide information and otherwise cooperate in effecting the change of Trustees. Such resigning or removed Trustee is authorized to reserve such sum of money (and for that purpose to liquidate such property as may be necessary to produce such sum) for payment of all proper expenses and charges against the assets of the Trust including reasonable expenses in connection with such resignation or removal, and any balance of such reserve remaining after the payment of such charges shall be paid over to the successor Trustee. Whenever any Trustee hereunder ceases to serve as such, the Trustee shall furnish to the Employer and Plan Administrator a written statement of account with respect to the portion of the Plan Year during which the individual or entity served as Trustee. This statement shall be either (i) included as part of the annual statement of account for the Plan Year or (ii) set forth in a special statement. Any such special statement of account should be rendered to the Employer no later than the due date of the annual statement of account for the Plan Year. The procedures set forth in Section 2.05 for the approval by the Employer of annual statements of account shall apply to any special statement of account rendered hereunder and approval by the Employer of any such special statement in the manner provided in Section 2.05 shall have the same effect upon the statement as the Employer's approval of an annual statement of account.

(F) Successor Powers. Each successor Trustee has and enjoys all of the powers, both discretionary and ministerial, conferred under the Plan upon its predecessor.

(G) No Liability for Predecessor or Successor. A successor Trustee is not personally liable for any act or failure to act of any predecessor Trustee, except as required under ERISA. With the approval of the Employer and the Plan Administrator, a successor Trustee, with respect to the Plan, may accept the account rendered and the property delivered to it by a predecessor Trustee without liability. No Trustee shall be required to investigate, or be responsible for, any acts or omissions occurring before it became, or after it ceased to be, Trustee.

3.08 Investment in Group Trust Fund. The Employer specifically authorizes a Directed Trustee, as directed, or a Discretionary Trustee to invest all or any portion of the assets comprising the Trust Fund in any group trust fund which at the time of the investment provides for the pooling of the assets of plans qualified under Code §401(a), including a group trust fund that also permits the pooling of qualified plan assets with assets of an individual retirement account that is exempt from taxation under Code §408(e), assets of an eligible governmental plan under Code §457(b) that is exempt from taxation under Code §457(g), assets of a custodial account under Code §403(b)(7) or a retirement income account under Code §403(b)(9), or assets of a governmental plan under Code §401(a)(24). This authorization applies solely to a group trust fund exempt from taxation under Code §501(a) and the trust agreement of which satisfies the requirements of Rev. Rul. 81 100 (as modified and clarified by Rev. Rul. 2004-67, Rev. Rul. 2011-1, and Rev. Rul. 2014-24), or any successor thereto. The provisions of the group trust fund agreement, as amended from time to time, are by this reference incorporated within this Plan and Trust. The provisions of the group trust fund will govern any investment of Plan assets in that fund. To comply with Code §4975(d)(8) as to any group trust fund maintained by a disqualified person, including the Trustee, the following provisions apply: (a) a Discretionary Trustee or a Directed Trustee may invest in any such fund at the direction of the Named Fiduciary who is independent of the Trustee and the Trustee's affiliates; (b) a Discretionary Trustee or a Directed Trustee (the latter as directed) may invest in any such fund

which the Employer specifies in the Adoption Agreement to the Plan or in an appendix thereto; and (c) notwithstanding (a) and (b) a Discretionary Trustee may invest in its own funds as described in Section 2.01(C). The Employer may attach an appendix to this Trust to specify the group trust funds in which the assets of the Trust Fund may be invested. If so, investments in group trust funds shall be limited to the group trust funds so specified.

3.09 Combining Trusts. At the Employer's direction, the Trustee, for collective investment purposes, may combine into one trust fund the Trust created under this Plan with the trust created under any other qualified retirement plan the Employer maintains. However, the Trustee must maintain separate records of account for the assets of each Trust in order to reflect properly each Participant's Account Balance under the qualified plans in which he/she is a participant.

3.10 Amendment/Substitution. The Employer may, at any time and from time to time, amend or restate the Trust or any of its provisions. Any Trust amendment (a) must not conflict with any other provisions of the Plan (except as expressly are intended to override an existing Trust provision); and (b) must not cause the Plan to violate Code §401(a). The Trustee must execute or consent in writing to any amendment.

3.11 Electronic Communication. Any communication, notice, direction, or other writing in connection with the Trust may be given electronically, under reasonable commercial procedures satisfactory to the Trustee.

3.12 Governing Law. The law of the state or commonwealth in which the corporate trustee is located will determine all questions arising with respect to the provisions of the Trust.

3.13 Reliance on Counsel. The Trustee may consult with legal counsel (who may be of counsel to the Employer) concerning any question which may arise with reference to its duties under this Trust Agreement and the opinion of such counsel shall be full and complete protection to the Trustee in respect to any action taken or suffered by the Trustee in good faith and in accordance with the opinion of such counsel.

3.14 Termination. This Trust Agreement and the Trust created hereby may be terminated at any time by the Employer, and upon such termination, the assets of the Trust shall be paid out by the Trustee as and when directed by the Plan Administrator pursuant to the terms of the Plan and this Trust. When the assets of the Trust have been applied or distributed as provided herein, the Trustee shall be released and discharged from all further accountability or liability respecting the assets of the Trust (or that part of the assets so applied or distributed if the Trust is terminated only in part) or any part thereof so applied or distributed and shall not be responsible in any way or to any person for the further disposition of the assets of the Trust (or that part of the assets so applied or distributed, if the Trust is terminated only in part) or any part thereof so applied or distributed.

ARTICLE IV TRUSTEE/CUSTODIAN/INSURER

The undersigned, by executing this Trust, hereby accepts their position and agrees to all of the obligations, responsibilities and duties imposed upon them under the Trust.

The persons or entities acting as Trustee(s) hereunder, as defined in this agreement, are listed in the attached Appendix.

EMPLOYER

DATE SIGNED

TRUSTEE

DATE SIGNED

**APPENDIX
TRUSTEES DUTIES**

Principal Bank
Directed Trustee



LETTER TO THE LIVONIA CITY COUNCIL

9.

Law
July 26, 2022

MEETING DATE

August 22, 2022

PREPARED BY

Brenda Smyser, Program Supervisor,

AGENDA ITEM

PROPOSED AMENDMENT TO THE LIVONIA CODE OF ORDINANCES, AS AMENDED:
Department of Law, re: Petition 2022-04-03-01 submitted by Stonefield Engineering & Design, on behalf of Haggerty Residential, L.L.C., request to determine whether or not to vacate an existing sanitary sewer easement at 19750 Haggerty Road, located on the east side of Haggerty Road between Seven Mile and Eight Mile Roads in the Southwest $\frac{1}{4}$ of Section 6. (CR 220-22)

BACKGROUND

At your regular meeting of July 11, 2022, by Council Resolution 220-22, you unanimously approved Petition 2022-04-03-01, submitted by Stonefield Engineering & Design, on behalf of Haggerty Residential, L.L.C., requesting to vacate portions of an existing sanitary sewer easement at 19750 Haggerty Road, located on the east side of Haggerty Road, between Seven Mile and Eight Mile Roads, in the Southwest $\frac{1}{4}$ of Section 6, and requested the Department of Law to prepare the necessary ordinance amendment.

Accordingly, herewith submitted for your consideration is the proposed ordinance amendment prepared by the Department of Law.

RECOMMENDATION

First Reading

FISCAL CONSIDERATION

None

ATTACHMENTS

1. Ordinance for 2022-04-03-01 - Haggerty Residential

APPROVED BY

Paul Bernier, City Attorney

Date: July 26, 2022

A handwritten signature in black ink, reading "Maureen Miller Brosnan". The signature is written in a cursive, flowing style.

Date: July 29, 2022

Maureen Miller Brosnan, Mayor

**AN ORDINANCE VACATING THE USE OF PORTIONS
OF STREET, ALLEY AND PUBLIC GROUND.**

THE CITY OF LIVONIA ORDAINS:

Section 1. The report and recommendation of the City Planning Commission, dated June 8, 2022, setting forth its resolution #06-33-2022 on Petition 2022-04-03-01 submitted by Stonefield Engineering & Design, on behalf of Haggerty Residential, L.L.C., requesting to vacate the existing sanitary sewer easement at 19750 Haggerty Road, located on the east side of Haggerty Road, between Seven Mile and Eight Mile Roads, in the Southwest 1/4 of Section 6, City of Livonia, Wayne County, Michigan, is hereby accepted and adopted and the Council does hereby approve all proceedings on said Petition 2022-04-03-01, it appearing that a public hearing thereon was held on June 7, 2022, as provided by law and that the proper notices of such hearing were given.

Section 2. Pursuant to Chapter 8 of Title 12 of the Livonia Code of Ordinances, as amended, the City of Livonia's use of the following property is hereby vacated:

Beginning at a point distant North 89 Degrees 21 Minutes 58 Seconds East 60.0 feet from the West ¼ corner of Section 6 Town 1 South, Range 9 East; thence continuing North 89 Degrees 21 Minutes 58 Seconds East 291.02 feet; thence South 00 Degrees 00 Minutes 25 Seconds West 66.07 feet; thence North 89 Degrees 59 Minutes 18 Seconds West 10.05 feet; thence South 00 Degrees 00 Minutes 42 Seconds West 401.00 feet; thence South 89 Degrees 59 Minutes 18 Seconds East 6.41 feet; thence South 00 Degrees 21 Minutes 49 Seconds East 54.63 feet to the point of beginning of centerline of 12 foot wide sanitary sewer easement; thence North 89 Degrees 46 Minutes 48 Seconds East 462.47 feet; thence North 87 Degrees 50 Minutes 08 Seconds East 121.887 feet to the point of ending.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Should any portion of this ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions of this ordinance.



LETTER TO THE LIVONIA CITY COUNCIL

10.

Law
August 9, 2022

MEETING DATE

R082222

PREPARED BY

Sara Kasprovicz, Council Office Manager,

AGENDA ITEM

ROLL CALL: Proposed Amendment to the Livonia Code of Ordinances, as amended: Department of Law, re: to add Chapter 01 to Title 11 (Display of Flag on City Property).
First Reading given by Councilmember Rob Donovic on Monday, August 8, 2022.

BACKGROUND

At the Regular Meeting held on July 11, 2022, City Council referred to the Law Department the subject of drafting an ordinance regarding the placement of flags on city property. The request for a proposed ordinance included restricting which flags will be permitted on city property as an expression of the City of Livonia's government expression. Under the proposal, the following flags would be permitted to be flown on city property: The flags of the United States, State of Michigan, County of Wayne, City of Livonia, public safety, military branches, and POW/MIA. Council Members, the Mayor and the public could also request that other flags be flown on city property on specific dates. According to the proposed ordinance, approval would only be granted if the Council unanimously approved the request and the Mayor concurred with the resolution. Unless both happened, the request would be denied.

The proposed ordinance is not the recommendation of the Law Department.

While we do not object to the substance of the ordinance, we believe that the requirement of unanimity is problematic. The Law Department's search for similar laws or ordinances, while not exhaustive, did not result in finding any similar examples of a unanimous vote requirement. We looked at federal and state laws, as well as local ordinances, and could not find another example of this requirement. This procedure would be even more stringent than amending the Constitution of the United States, the State of Michigan, or the Charter of the City of Livonia. While we could not find anything that precludes this, it is tantamount to a complete ban on other ceremonial flags being flown.

There are two additional possibilities for Council to consider, a super-majority vote and the traditional majority vote. The first possibility is a requirement of either two-thirds or three-fifths vote of all elected council members to pass the resolution. Either fraction would necessitate five affirmative Council votes, and the concurrence of the mayor. A search of our ordinances reveals very few examples of a supermajority vote, and they all appear to be in our zoning ordinances and not the Livonia Code of Ordinances. This super-majority requirement would suggest that the flag ordinance is more important than all other votes before the Council and effectively ties the hands of most of the Council and the Mayor. Thus, a small minority can dictate their will to the majority. If

five members and the Mayor (six elected officials) wanted to fly a certain flag, it would only take two Council members to prevent this from happening.

It is the recommendation of the Law Department that a resolution for a ceremonial flag being flown should be treated like any other resolution requiring a simple majority vote, with concurrence from the Mayor.

RECOMMENDATION

Second Read/Roll Call

FISCAL CONSIDERATION

None

ATTACHMENTS

1. R080822 - New Data Item 11 (PropOrd) Title 11 - final 080422
2. Proposed Ordinance Title 11 - final 072922
3. Proposed Ordinance Title 11 - final 072622
4. S072522 Req for flag ord Minutes
5. S072522 - New Data - Resident Response recd 7-27-22
6. LTC S072522 Prop flag ordinance
7. Title 11 - w-o 2-3 vote
8. R071122 Req for flag ordinance language CR 208-22

APPROVED BY



LETTER TO THE LIVONIA CITY COUNCIL

10.

Law
August 9, 2022

MEETING DATE

Regular Meeting of
August 8, 2022

PREPARED BY

Sara Kasprovicz, Council Office Manager,

AGENDA ITEM

ROLL CALL: Proposed Amendment to the Livonia Code of Ordinances, as amended: Department of Law, re: to add Chapter 01 to Title 11 (Display of Flag on City Property).
First Reading given by Councilmember Rob Donovic on Monday, August 8, 2022.

BACKGROUND

At the Regular Meeting held on July 11, 2022, City Council referred to the Law Department the subject of drafting an ordinance regarding the placement of flags on city property. The request for a proposed ordinance included restricting which flags will be permitted on city property as an expression of the City of Livonia's government expression. Under the proposal, the following flags would be permitted to be flown on city property: The flags of the United States, State of Michigan, County of Wayne, City of Livonia, public safety, military branches, and POW/MIA. Council Members, the Mayor and the public could also request that other flags be flown on city property on specific dates. According to the proposed ordinance, approval would only be granted if the Council unanimously approved the request and the Mayor concurred with the resolution. Unless both happened, the request would be denied.

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most of the Council and the Mayor. Thus, a small minority can dictate their will to the majority. If five members and the Mayor (six elected officials) wanted to fly a certain flag, it would only take two Council members to prevent this from happening.

It is the recommendation of the Law Department that a resolution for a ceremonial flag being flown should be treated like any other resolution requiring a simple majority vote, with concurrence from the Mayor.

RECOMMENDATION

First Read

FISCAL CONSIDERATION

None

ATTACHMENTS

1. R080822 - New Data Item 11 (PropOrd) Title 11 - final 080422
2. Proposed Ordinance Title 11 - final 072922
3. Proposed Ordinance Title 11 - final 072622
4. S072522 Req for flag ord Minutes
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7. Title 11 - w-o 2-3 vote
8. R071122 Req for flag ordinance language CR 208-22

APPROVED BY

Proposed Amendment Adding
Chapter 01 to Title 11 of the Livonia
Code of Ordinances, as amended

**AN ORDINANCE ADDING CHAPTER 01 TO TITLE 11
(DISPLAY OF FLAG ON CITY PROPERTY) TO THE
LIVONIA CODE OF ORDINANCES, AS AMENDED.**

THE CITY OF LIVONIA ORDAINS:

Section 1. Chapter 01 is hereby added to Title 11 of the Livonia Code of Ordinances, as amended, which Chapter shall read as follows:

Section 11.01.010	Title for citation.
Section 11.01.020	Purpose of provisions.
Section 11.01.030	Authorization required for flagpole use.
Section 11.01.040	Permitted flags.

11.01.010 - Title for citation. This Chapter shall be known and cited as the “flag ordinance.”

11.01.020 - Purpose of provisions. The flagpoles, flagstaffs and public buildings of the City of Livonia are not intended to serve as a forum for free expression by the public. Rather, the flagpoles, flagstaffs and public buildings of the City of Livonia are to be used exclusively by the City of Livonia as a form of government expression.

11.01.030 - Authorization required for flagpole use. No person shall display or place upon any flagpole, flagstaffs or on public buildings owned by the City of Livonia, any flag or other object not otherwise authorized as an expression of government speech unless approved by in the manner set forth below.

11.01.040 - Permitted flags. In addition to the Flag of the United States of America, the following flags are hereby permitted to be displayed upon flagpoles, flagstaffs and on public buildings owned by the City of Livonia, as a form of expression of government speech:

- A. The flag of the State of Michigan.
- B. The flag of the County of Wayne.
- C. The flag of the City of Livonia, including any City of Livonia departmental flags.
- D. The flags of the United States Army, Navy, Marine Corp., Air Force, and Coast Guard.
- E. Public Safety flags.

F. P.O.W./M.I.A. (Prisoner of War/Missing in Action) flags.

The City of Livonia will not display any other flag, including any flag based upon a request from a third party. Nothing contained herein is intended to abridge the right of the citizens to carry other flags in public and/or display flags on private property.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Should any portion of this ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions of this ordinance.

**AN ORDINANCE ADDING CHAPTER 01 TO TITLE 11
(DISPLAY OF FLAG ON CITY PROPERTY) TO THE
LIVONIA CODE OF ORDINANCES, AS AMENDED.**

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**AN ORDINANCE ADDING CHAPTER 01 TO TITLE 11
(DISPLAY OF FLAG ON CITY PROPERTY) TO THE
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- E. Public Safety flags.

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The City of Livonia will not display any other flag based upon a request from a third party. Nothing contained herein is intended to abridge the right of the citizens to prohibit or curtail the carrying of other flags in public and/or displaying flags on private property.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Should any portion of this ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions of this ordinance.

**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.

12. REQUEST 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

From: [support](mailto:support@livonia.gov)
To: calendar459@justemail.net
Subject: RE: Online Form Submittal: City Council Inquiries
Date: Wednesday, July 27, 2022 9:23:27 AM

Good morning, Mr. Smith

Thank you for contacting City Hall and sharing your viewpoints with us. Your email has been shared with both the City Council and the Mayor's Office.

Stay Well,
Jennifer Simmons

|

support@livonia.gov

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Tuesday, July 26, 2022 10:25 PM
To: support <support@livonia.gov>
Subject: Online Form Submittal: City Council Inquiries

City Council Inquiries

This form is for any questions, comments, or concerns you may have for the City in regards to city council meetings or other city council inquiries. If you leave contact information, the City will reply within 2 business days. If this is an emergency, please dial 9-1-1.

First Name	Ken
Last Name	Smith
Address	9891 Garvett
Email Address	calendar459@justemail.net
Phone Number	7346342200
Topic	City Council Meetings

7/25/2022

Date of Issue

Attachment (Optional)

Field not completed.

Comments

I just watched the study meeting for July 25, 2022 and would like to comment on item 12, the flag issue. I thought 2 things should be considered but I have changed my mind about one of them. I think one flag should be added to the proposed ordinance and that is to add the Wayne County flag. I don't know if there is room for 4 flags on the flag pole but I think Wayne County deserves to be represented as much as the U.S., State and City.

I thought Mr. Bahr's original proposal should have been amended to make the city council vote either a majority or a super majority. I then thought it was wrong to eliminate city council's and the mayor's office abilities to allow or disallow flags from being displayed as this would mean that the ordinance would have to be amended to make any changes. I have since changed my mind about this and I think the ordinance that Mr. Donovic proposed, with the addition of the Wayne County flag, is the correct thing to do

Ken Smith

Email not displaying correctly? [View it in your browser.](#)



LETTER TO THE LIVONIA CITY COUNCIL

12.

Law
July 15, 2022

MEETING DATE

Study Meeting of July
25, 2022

PREPARED BY

Brenda Smyser, Program Supervisor,

AGENDA ITEM

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

BACKGROUND

At the Regular Meeting held on July 11, 2022, City Council referred to the Law Department the subject of drafting an ordinance regarding the placement of flags on city property. The request for a proposed ordinance included restricting which flags will be permitted on city property as an expression of the City of Livonia's government expression. Under the proposal, the following flags would be permitted to be flown on city property: The flags of the United States, State of Michigan, County of Wayne, City of Livonia, public safety, military branches, and POW/MIA. Council Members, the Mayor and the public could also request that other flags be flown on city property on specific dates. According to the proposed ordinance, approval would only be granted if the Council unanimously approved the request and the Mayor concurred with the resolution. Unless both happened, the request would be denied.

The proposed ordinance is not the recommendation of the Law Department.

While we do not object to the substance of the ordinance, we believe that the requirement of unanimity is problematic. The Law Department's search for similar laws or ordinances, while not exhaustive, did not result in finding any similar examples of a unanimous vote requirement. We looked at federal and state laws, as well as local ordinances, and could not find another example of this requirement. This procedure would be even more stringent than amending the Constitution of the United States, the State of Michigan, or the Charter of the City of Livonia. While we could not find anything that precludes this, it is tantamount to a complete ban on other ceremonial flags being flown.

There are two additional possibilities for Council to consider, a super-majority vote and the traditional majority vote. The first possibility is a requirement of either two-thirds or three-fifths vote of all elected council members to pass the resolution. Either fraction would necessitate five affirmative Council votes, and the concurrence of the mayor. A search of our ordinances reveals very few examples of a supermajority vote, and they all appear to be in our zoning ordinances and not the Livonia Code of Ordinances. This super-majority requirement would suggest that the flag ordinance is more important than all other votes before the Council and effectively ties the hands of most of the Council and the Mayor. Thus, a small minority can dictate their will to the majority. If

five members and the Mayor (six elected officials) wanted to fly a certain flag, it would only take two Council members to prevent this from happening.

It is the recommendation of the Law Department that a resolution for a ceremonial flag being flown should be treated like any other resolution requiring a simple majority vote, with concurrence from the Mayor.

RECOMMENDATION

Approve for First Read at next Regular

FISCAL CONSIDERATION

None

ATTACHMENTS

1. Title 11 - w-o 2-3 vote
2. R071122 Req for flag ordinance language CR 208-22

APPROVED BY



Paul Bernier, City Attorney

Date: July 15, 2022



Maureen Miller Brosnan, Mayor

Date: July 15, 2022

**AN ORDINANCE ADDING CHAPTER 01 TO TITLE 11
(DISPLAY OF FLAG ON CITY PROPERTY) TO THE
LIVONIA CODE OF ORDINANCES, AS AMENDED.**

THE CITY OF LIVONIA ORDAINS:

Section 1. Chapter 01 is hereby added to Title 11 of the Livonia Code of Ordinances, as amended, which Chapter shall read as follows:

Section 11.01.010	Title for citation.
Section 11.01.020	Purpose of provisions.
Section 11.01.030	Authorization required for flagpole use.
Section 11.01.040	Permitted flags.
Section 11.01.050	Requests permitted.

11.01.010 - Title for citation. This Chapter shall be known and cited as the “flag ordinance.”

11.01.020 - Purpose of provisions. The flagpoles, flagstaffs and public buildings of the City of Livonia are not intended to serve as a forum for free expression by the public. Rather, the flagpoles, flagstaffs and public buildings of the City of Livonia are to be used exclusively by the City of Livonia as a form of government expression.

11.01.030 - Authorization required for flagpole use. No person shall display or place upon any flagpole, flagstaffs or on public buildings owned by the City of Livonia, any flag or other object not otherwise authorized as an expression of government speech unless approved by in the manner set forth below.

11.01.040 - Permitted flags. In addition to the Flag of the United States of America, the following flags are hereby permitted to be displayed upon flagpoles, flagstaffs and on public buildings owned by the City of Livonia, as a form of expression of government speech:

- A. The flag of the State of Michigan.
- B. The flag of the County of Wayne.
- C. The flag of the City of Livonia, including any City of Livonia departmental flags.
- D. The flags of the United States Army, Navy, Marine Corp., Air Force, and Coast Guard.

- E. Public Safety flags.
- F. P.O.W./M.I.A. (Prisoner of War/Missing in Action) flags.

11.01.050 - Requests permitted. The City of Livonia will not display any other flag based upon a request from a third party, except as may be authorized by resolution of the Livonia City Council with the concurrence of the Mayor of the City of Livonia. Any approved resolution shall require the unanimous approval of Council members present and voting. Nothing contained herein is intended to abridge the right of the citizens to prohibit or curtail the carrying of other flags in public and/or displaying flags on private property

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Should any portion of this ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions of this ordinance.

Regular Meeting Minutes of July 11, 2022

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

#208-22 RESOLVED, that upon the motion by Councilmember Scott Bahr, seconded by Councilmember Scott Morgan, at the Regular Meeting held July 11, 2022, regarding flags flown on City property, the Council does hereby refer this item to the Department of Law for preparation of a proposed Ordinance establishing a policy for which flags can be flown on City property.

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

AYES: McIntyre, Bahr, Donovic, and Morgan

NAYS: McCullough, Toy, and Jolly

The President declared the resolution adopted.

<i>RESOLUTION REQUESTED BY BAHR (Regular Meeting of July 11, 2022)</i>
--

Motion:	Bahr
Second:	McCullough
Ayes:	McIntyre, Bahr, Donovic, Morgan
Nays:	McCullough, Toy, Jolly
Absent:	None



LETTER TO THE LIVONIA CITY COUNCIL

11.

Law
August 2, 2022

MEETING DATE

Regular Meeting of
August 22, 2022

PREPARED BY

Brenda Smyser, Program Supervisor,

AGENDA ITEM

ROLL CALL: Proposed Amendment to the Livonia Vision 21 Zoning Ordinance, as amended: Department of Law, re: Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C., to rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest ¼ of Section 36, from RUF (Rural Urban Farm) to C-1 (Local Business).
First Reading given by Councilmember Kathleen McIntyre on Monday, April 4, 2022.

BACKGROUND

Proposed Amendment to the Livonia Vision 21 Zoning Ordinance, as amended: Department of Law, re: Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C., to rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest ¼ of Section 36, from RUF (Rural Urban Farm) to C-1 (Local Business).
First Reading given by Councilmember Kathleen McIntyre on Monday, April 4, 2022.

RECOMMENDATION

Second Read/Roll Call

FISCAL CONSIDERATION

N/A

ATTACHMENTS

1. R040422 2021-12-01-11 FIRST READING KMCINTYRE
2. LTC: R040422 Petition 2020-08-01-06, Maple Real Estate Group
3. PH022322 Petition 2021-11-01-11 (Maple Real Estate Group) Minutes
4. LTC: PH022322
5. PH022322 Petition 2021-12-01-11 (Maple Real Estate Group)
6. PH022322 Petition 2021-12-01-11 (Maple Real Estate Group) Legal Notice
7. 2021-12-01-11_Maple Real Estate_E-COUNCIL Pkt
8. DIRECTION 2021-11-01-11
9. Council Letter PH 02232022
10. R031422 New Data Item 24

11. Pet. 2021-12-01-11 - Maple Real Estate
12. 2021-12-01-11_1st

APPROVED BY

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.

<i>UNFINISHED BUSINESS ITEM 8 (Regular Meeting of April 4, 2022)</i> <i>FIRST READING GIVEN BY KATHLEEN MCINTYRE</i>

Present:	Bahr, Donovic, Morgan, McCullough, McIntyre, Toy, Jolly
Absent:	None



LETTER TO THE LIVONIA CITY COUNCIL

8.

Law
March 15, 2022

MEETING DATE

Regular Meeting of April
4, 2022

PREPARED BY

Brenda Smyser, Program Supervisor,

AGENDA ITEM

PROPOSED AMENDMENT TO THE LIVONIA VISION 21 ZONING ORDINANCE, AS AMENDED:
Department of Law, re: Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C., to
rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt
Road between Joy Road and West Chicago Avenue in the Southwest ¼ of Section 36, from RUF
(Rural Urban Farm) to C-1 (Local Business).

BACKGROUND

RECOMMENDATION

First reading

FISCAL CONSIDERATION

N/A

ATTACHMENTS

1. PH022322 Petition 2021-11-01-11 (Maple Real Estate Group) Minutes
2. 2021-12-01-11_Maple Real Estate_E-COUNCIL Pkt
3. PH022322 Petition 2021-12-01-11 (Maple Real Estate Group)
4. PH022322 Petition 2021-12-01-11(Maple Real Estate Group) Legal Notice
5. DIRECTION 2021-11-01-11
6. Council Letter PH 02232022
7. R031422 New Data Item 24
8. Pet. 2021-12-01-11 - Maple Real Estate
9. 2021-12-01-11_1st
10. LTC: PH022322

APPROVED BY

A handwritten signature in blue ink, appearing to read "Brenda Smyser".

Date: March 15,
2022

Paul Bernier, City Attorney

A handwritten signature in cursive script, appearing to read "Maureen Miller Brosnan".

Date: March 15,
2022

Maureen Miller Brosnan, Mayor

**CITY OF LIVONIA
PUBLIC HEARING**

Minutes of Meeting Held on Wednesday, February 23, 2022

A Public Hearing of the Council of the City of Livonia was held at the Livonia City Hall Auditorium on **Wednesday, February 23, 2022.**

MEMBERS PRESENT: Jim Jolly, President
 Laura Toy, Vice President (audio only)
 Brandon McCullough
 Scott Morgan

MEMBERS ABSENT: Scott Bahr
 Rob Donovic
 Kathleen McIntyre

OTHERS PRESENT: Leo Neville, Assistant City Attorney
 Mark Taormina, Planning and Economic Dev. Director
 Sara Kasprowicz, Recording Secretary

The Public Hearing was called to order at 7:12 p.m. with President Jim Jolly presiding. This item is regarding Petition 2021-11-01-11 submitted by Maple Real Estate Group, pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest ¼ of Section 36, from RUF (Rural Urban Farm) to C-1 (Local Business).

This item will move to the Regular Meeting of **March 14, 2022.**

The Public Hearing is now open. There were 4 persons in the audience.

Jolly: Mr. Taormina, the initial presentation please.

Taormina: Thank you, again, this is a request to rezone a property that is on the east side of Middlebelt Road, just south of Grandon Avenue. The change would be from R-U-F, Rural Urban Farm, to C-1, Local Business. The address of the property is 9120 Middlebelt Road. The rezoning would affect only the east 58-feet of this parcel, the remaining westerly part is currently zoned C-1 Local Business. Thus, the intent is to bring the entire parcel under a single zoning classification. The parcel as you can see here is L-shaped, with 67-feet of frontage on Middlebelt Road. It has a depth of roughly 373-feet along its north property line. The rear 58-feet of the parcel extends south for 151-feet. This is the area that is proposed to be rezoned. It measures 58-feet by 151-feet, for a total area of 8,758 square feet. 9120 Middlebelt, overall, is roughly 30,000 square feet. It was just under 7/10 of an acre. Adjoining 9120 Middlebelt, to the south, is 9106 Middlebelt, which is under the same ownership as zone C-1,

Local Business. 9106 Middlebelt adds another 34-feet of road frontage and 33,000 square feet of land, so again, the two parcels contain roughly 100-feet of frontage on Middlebelt Road and have a total land area of 1.45 acres. Both parcels are vacant and would be combined and developed as a single site. The purpose of the rezoning is to facilitate the future development of a planned residential development, consisting of a multifamily apartment complex. Section 5.02 of the ordinance provides the standards for PRDs, which are treated as a waiver use in commercial districts, subject to the review of the Planning Commission and City Council. Planned developments are afforded considerable design flexibility, including modification in lot sizes, modifications in yard requirements and allowing uses that are not otherwise permitted within the zoning district. This is the preliminary layout; it shows a multifamily apartment complex that would be made up of three buildings. Each building would contain eight (8) units, for a total of twenty-four (24) dwelling units. Building number one (1) is positioned towards the front of the site, that's the one closest to Middlebelt Road. Building number two (2) would occupy the rear, including the area that is proposed to be rezoned. Building number three (3) is between building number one (1) and two (2), along the south edge of the property. There is a two-way private road from Middlebelt that would provide access to all three (3) buildings. The plan shows forty-eight (48) parking spaces. Each building would be two (2) stories in height with eight (8) units, four (4) on each floor. Each unit would have two (2) bedrooms, a living and dining area, kitchen, one and a half baths as well, also a walk-in closet. The buildings have been preliminarily designed to show that they are mostly brick with stone accents. The roofs would be peaked with asphalt shingles, fiber cement siding would be used for the gable that is presented. Looking at the surrounding neighborhood immediately to the north of the site, four (4) single family homes that are on lots that measure roughly 62-feet by 113-feet. These lots are part of the Pearl Wilson subdivision. The zoning is N-1, One Family Residential. To the east and to the south are single family homes along Oxbow Street. These homes are on a slightly larger unplanted parcels that are zoned R-U-F. Also, to the south, is Newport Park, which is a multifamily development that is zoned NM-1. This 27-unit attached condominium was approved in 2001 under the R-C, Condominium Residential district regulations. Just to familiarize yourself with this map, the overall parcel is highlighted in blue. There are actually two (2) parcels, the overall site is highlighted in blue, 9120 is this piece that is L-shaped. 9106 is this triangular shaped parcel. It is the rear portion of 9120 that is requested to be rezoned. Newport Park condominiums are located here, to the south. The other single-family homes surrounding the site to the north and to the east. The Livonia Vision 21 future land use map does designate this property as medium density residential. This corresponds to a density between five (5) to fourteen (14) dwelling units per acre. The proposed housing development as shown on these preliminary plans, has a density of sixteen and a half

dwelling units per acre, so it is slightly higher by approximately four (4) units than what the Master Plan recommends. Planning Commission is recommending approval of the zoning change, should Council agree and give first reading, the next step and review process would be the review of the site plan on a waiver use. With that, Mr. President, I would be happy to answer any questions.

Jolly: Thank you, we'll go to the Petitioner for initial presentation here.

Fakih: Good evening, my name is Sam Fakih, I'm one of the owners of Maple Real Estate Group. I really didn't have an official presentation for you, other than to answer any questions that you may have. Like Mr. Taormina said, it's just a first step of just rezoning this back end of this parcel. The next step we're going to do is, hopefully, come on back and do a site plan, more detailed plans that you guys can dive into. Unless you have any other questions, all I say is that I hope to ask for your approval.

Jolly: Thank you, sir. We need to hear from the audience that would like to communicate in regard to this item. Sir, do you have any communication that you would like to give us? Come on up to the podium please. Good evening, sir, state your name and address for the record please.

Shekell: My name is Don Shekell, my address is to 29161 Grandon.

Jolly: Thank you sir, please proceed.

Shekell: Ok, I have a number of concerns with this whole issue.

Jolly: Wait, before you get started. Let me just say, for the record, right now, the only thing that is up for discussion, is this zoning request of this little sliver of land. What these buildings look like and this proposal that has been described here, we're not considering that at this point. There will be subsequent hearings if they wish to proceed in regards to that, okay? I just wanted to frame that for you really quick.

Shekell: Yeah, and I understand. I have spoken to Mr. Taormina about this before, during the Planning hearing. Two (2) things about this issue with the lots that we're talking about, is that the L-shaped lot was split. When was that split? A little over a year ago, that L-shaped lot was a single family residential. The triangular lot was commercial office. I looked that up and I went through the Planning Commission, and I went through the site. I was confirmed by that. We got the notice that they want to rezone this behind us. My property is directly north of the lot we're talking about. Suddenly, we're rural urban family, which never was before, it was single family. My question then, was, when did all this get changed? Nobody had an answer for that, but it got changed to C-1. Why did it get changed to C-1 if you want to do housing? You're talking about doing housing, but

its C-1. Now you have this lot behind me that you want to also make C-1 to accommodate whatever they want to build there. I never got any answers as to when it got changed to C-1 without any hearings with any of the neighbors around it. Now we have this one little sliver of land, and now we have to have a hearing on that. You didn't have a hearing on any of the other ones. I'm just not quite sure what the whole intent here is.

Jolly: I understand your frustration. To be honest with you, this is the first time that I'm hearing about any of this. The person who is best suited to give you the history of the property, as you said, you have spoken to Mr. Taormina, he's probably best suited to give you the history in regards to any of those changes that were made. I know that here on Council, right now, we're not prepared to answer those questions and normally we wouldn't be. That would be an administrative function to give you that history.

Shekell: Ok, in regard to that, I am against, and I have to talk to my neighbors and all that, we're against the change of this to C-1. Ok.

Jolly: Thank you sir, thank you very much. Any questions from the Council, Mr. Morgan? Any questions?

Morgan: I don't have any questions.

Jolly: Mr. McCullough?

McCullough: No, no questions.

Jolly: Miss Toy, any questions?

Toy: Yeah, just a really quick question, Mr. President. If I may, to the petitioner, what other properties do you have, in regards to apartments, or multifamily units that are similar to what is before us.

Jolly: Ok, I think Ms. Toy has asked the Petitioner, what kind of background do you have in regards to developing multifamily housing/apartments such as this?

Fakih: Sure. In terms of background, I'm a real estate investor that has multiple investments in medical office, retail, as well as multifamily. I'm involved currently in an apartment complex. It's a 90-unit in West Dearborn, called Wagner West. It's right behind the Ford Wagner complex, as well as I was involved in another complex in Dearborn. More on the east side, on Oakland Street. I have massive real estate, in terms of experience, twenty (20) plus years, as well as experience in multifamily specifically.

Jolly: Thank you, sir.

Toy: Has he contacted the neighbors that about the building in that area?

Jolly: Have you spoken to the neighbors in the surrounding properties?

Fakih: Not yet, but I am open to speaking with the neighbors. I don't have any issues; we want to be good neighbors. That's why we design nice looking buildings that are surrounded by a lot of greenery. What we did is that we try to maintain the height, same height building as the condos next door, so you're not going to see an enormous building when you move up. We've also scattered the buildings, kind of diagonally, to make it more of a neighborhood within a walkway all around. We designed a walkway with a gazebo all around the complex, so there are a lot of things that we're doing to be good neighbors. To make it look nicer than having a drive through restaurant there, as C-1 zoning would allow. We hope that we would be welcomed by the neighbors and we're more than happy to sit down and talk to the neighbors.

Toy: Mr. President? It may be helpful if the Petitioner gave us some of the addresses where his involvements are with the multi units in Dearborn. We don't have a full Council here tonight, so I would ask that this be a motion of approving and a denying.

Jolly: Thank you, Ms. Toy. To reiterate, she's offering a motion of both an approving and a denying on the March 14th meeting like the other Petitioner. She is asking that that you provide some addresses of some of the properties that you are currently involved with. Mr. Taormina?

Taormina: Just in response to Mr. Shekell's comments regarding the zoning history. This was an issue that came up following the Planning Commission's Public Hearing. I did have chance to go back and take a look at the zoning history. The map I am going to show you is from 1965 and you might recall that is the year that the city adopted ordinance 543, which made significant changes to not only the zoning ordinance but also the district zoning map. The area that we're looking at is right here. I know it is difficult, this is a single map of the entire city. The parcel that is shown here, and you can see the configuration. This is actually part of a subdivision lot, so 106 and parts of lots 68 and 107 of Newman Joy Road subdivision. Without getting into too much of the details, you'll see that the P-F, which stands for Professional Services, P-F was the zoning classification that the predecessor to our Office Services classification. As you know, last year, with the adoption of the Livonia Vision 21 zoning ordinance, we eliminated the O-S district and that changed over to C-1. This in fact, shows this parcel as P-F, so you have to respect the fact that is a heavy line showing that, but it indicates that this parcel right here is P-S, and the area that we're talking about is just slightly to the south. Mr. Shekell's house is roughly located here on Grandon Avenue. Again, this

is from 1965, I think prior to that, we did locate some maps before 1965, which did show this as residential. From 1965 up until last year, it was either Professional Services or Office Services and then last year, it changed to C-1.

Jolly: That's great information, I appreciate you looking it up. If we go to the east, to this little sliver of property that's being considered at this point, when did that sliver of property become, I presume, broken away from the houses further to the east?

Taormina: That I do not know, you are right. That original lot extended all the way to the rear, here. At some point, it was split and a portion of it was sold. Another portion of the lot itself was acquired by the owners of this property. I'm assuming it was the current owners, the Venturas. I don't know the history of the parcel divisions, we can try to get that information for you prior to the voting meeting, but I don't have the details on that.

Jolly: Thank you, sir. Any other comments from anybody involved?

Shekell: Can I make a comment on that?

Jolly: You can go to the podium if you want to.

Shekell: Thank you. Mr. Taormina...

Jolly: No, no, no. You have to direct your comments up here.

Shekell: The lot he is talking about, the L-shaped lot, he said since 1965, it was changed? I've lived on that street my entire life. When I was born, we moved there in 1955. I've been on that property all this time, I grew up two (2) houses down at 29127. The Venturas, who own the property, lived there. They were living at a single family, the lot next to it had houses on it, it was single family. None of that would have changed while they were living on it. How it goes back to 1965, to sit there and say, 'oh, that's when it was changed' is definitely incorrect. That's why I go back to it, like I said, he doesn't know when that property line got split. Why did it get split? No one has an answer or that. Like I said, I checked just a year ago. It was single family residential. The one next to it was a commercial office. I don't understand why we can't figure out when this happened.

Jolly: With all due respect, Mr. Taormina is as good and as reliable as they come.

Shekell: I understand that.

Jolly: I'll just ask him to see if he can do any further research to give us further information when this comes back on March 14.

Shekell: I know who the owners of the property were, I grew up with them.

Jolly: Thank you sir. Mr. McCullough?

McCullough: Through the Chair to the petitioner, If I may. I know this is zoning so I really want to stick to that. My only question is with the renderings you are looking at. These are two-story proposals, is that right? Is that what you are looking to do?

Fakih: Yeah, just two 2-story building, that looks pretty much like it. Eight (8) units to each building. You walk in, it's an open lobby that goes all the way through, so you'll see glass from both sides.

McCullough: We not talking about this yet, I know it's a public hearing, but when I look at it, you've got neighbors to the north that are single-story that I'm not even going to get into it. I know we've got an approving and a denying; we'll deal with it on Council. Thank you.

Jolly: Ok, if there is nothing else from the Council or the public, we will close this Public Hearing, thank you very much.

As there were no further questions or comments, the Public Hearing was declared closed at 7:30 p.m.



LETTER TO THE LIVONIA CITY COUNCIL

24.

Planning
February 24, 2022

MEETING DATE

Public Hearing of
February 23, 2022

PREPARED BY

Brenda Smyser, Program Supervisor,

AGENDA ITEM

REZONING PETITION: Planning Commission, re: Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C., to rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest ¼ of Section 36, from RUF (Rural Urban Farm) to C-1 (Local Business).

Public Hearing held on February 23, 2022.

NEW DATA ITEM 24 - Additional locations submitted by Petitioner

BACKGROUND

RECOMMENDATION

At the 1,182nd Public Hearing and Regular Meeting held by the City Planning Commission on January 25, 2021, the following resolution was unanimously adopted:

#01-04-2022 RESOLVED, That pursuant to a Public Hearing having been held by the City Planning Commission on January 25, 2022, on Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C. pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest ¼ of Section 36, from RUF (Rural Urban Farm) to C-1 (Local Business), the Planning Commission does hereby recommend to the City Council that Petition 2021-12-01-11 be approved for the following reasons:

1. That the proposed change of zoning is compatible to and in harmony with the surrounding land uses and zoning districts in the area.
2. That the proposed change of zoning is consistent with the developing character of the area.
3. That the proposed change of zoning represents a reasonable and logical zoning plan for the subject property which adheres to the principles of sound land use planning.
4. That the proposed change of zoning affects only a small portion of the property and will bring the subject parcel under a single zoning classification, and
5. That the proposed change of zoning is consistent with the Livonia Vision 21 Future Land Use

Map.

FURTHER RESOLVED, That notice of the above hearing was given in accordance with the provisions of Section 13.13 and 13.15 of Livonia Vision 21 Zoning Ordinance.

FISCAL CONSIDERATION

N/A

ATTACHMENTS

1. PH022322 Petition 2021-11-01-11 (Maple Real Estate Group) Minutes
2. 2021-12-01-11_Maple Real Estate_E-COUNCIL Pkt
3. PH022322 Petition 2021-12-01-11 (Maple Real Estate Group)
4. PH022322 Petition 2021-12-01-11(Maple Real Estate Group) Legal Notice
5. DIRECTION 2021-11-01-11
6. Council Letter PH 02232022
7. R031422 New Data Item 24

APPROVED BY

CITY OF LIVONIA

NOTICE OF PUBLIC HEARING

In accordance with the provisions set forth in Section 401 of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of Michigan of 2006, as amended (MCL 125.3502) as well as Livonia Vision 21 Zoning Ordinance, Article XIII, the Council has determined that a Public Hearing will take place before the Council of the City of Livonia on **Wednesday, February 23, 2022 at 7:00 P.M.**, in the Auditorium at City Hall, 33000 Civic Center Drive, Livonia, Michigan, with respect to the following item:

Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C., pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest ¼ of Section 36 from RUF (Rural Urban Farm) to C-1 (Local Business).

SUSAN M. NASH, CITY CLERK

PUBLISH: February 6, 2022

CITY OF LIVONIA

NOTICE OF PUBLIC HEARING

In accordance with the provisions set forth in Section 401 of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of Michigan of 2006, as amended (MCL 125.3502) as well as Livonia Vision 21 Zoning Ordinance, Article XIII, the Council has determined that a Public Hearing will take place before the Council of the City of Livonia on **Wednesday, February 23, 2022 at 7:00 P.M.**, in the Auditorium at City Hall, 33000 Civic Center Drive, Livonia, Michigan, with respect to the following item:

Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C., pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest $\frac{1}{4}$ of Section 36 from RUF (Rural Urban Farm) to C-1 (Local Business).

SUSAN M. NASH, CITY CLERK

Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C. pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 zoning Ordinance, requesting to rezone the east fifty eight feet 58' of 120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southeast of Section 36, from RUF Rural Urban Farm to C-1 Local Business .

**REZONING APPLICATION
CITY OF LIVONIA, MICHIGAN**

All applications must be presented in quadruplicate to the City Clerk, 33000 Civic Center Drive, Livonia, MI 48154-3097. Applications **must** include property owner's name, address and notarized signature. **You are invited and encouraged to review your proposal with the Planning Department staff.**

Date Filed: 12/22/2021 Petition _____

Site Address: 9106 Middlebelt Rd Sidwell 46-143-01-0068-00546- 143-01-0106-000

Requesting To Rezone Property From RUF To C1

For the Following Reason (s) To develop the property as multi-family

Applicant: Sam Fakh Business/Company: Maple Real Estate Group, LLC

Applicant's Address: 16030 Michigan Ave, Suite 200 City: Dearborn State: MI Zip Code: 48126

Applicant's Phone # (313) 477-9777 Applicant's Email sfakh@fakhilaw.com

Please provide the following information:

- 1) **Legal Description** of the property to be considered. Paper copy must be clearly printed.
- 2) **Fully Dimensional Map (3 copies)** drawn at an appropriate scale, with a north arrow, dated & legend key to symbols and showing:
 - The land that would be affected by the proposed amendment.
 - The dimensions, square footage & acreage of the land.
 - The existing conditions of the site, including all structures & parking layout.
 - A legal description of the land to be rezoned.
 - All public and private right-of-ways & easements bounding & intersecting the site.
 - A preliminary plan showing the proposed land use(s) of the land under consideration.
 - The zoning classification of all abutting zoning districts.
 - The structures and existing land uses on all property adjacent to the subject parcel and on other such property as may, in the City Planner's determination, be necessary to properly reflect the existing character of the surrounding neighborhood.
- 3) A copy of the Fully Dimensional Map submitted in a pdf. format either on a CD or it can be emailed to Planning@ci.livonia.mi.us

Owner of Property: Ventura Real Estate, LLC

Owner's Address: 2655 S Evergreen City: Southfield State: MI Zip Code: 48076

Owner's Phone # 734 751-5600 Owner's Email peter@pacommercial.com

Signature of Owner: Peter Ventura Print Name: Peter Ventura

Subscribed and sworn to before me, a Notary Public in and for the County of Wayne State of Michigan

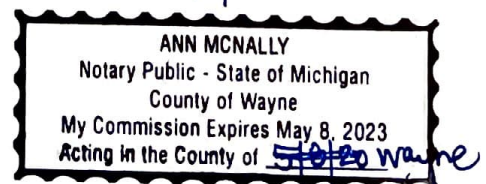
on this 22nd day of December 20 21

Signature of Notary Ann McNally My commission expires 5/8/2023

APPROVED AS FORM
Department of Law

By: _____

Date: _____



WESTFIELD AVENUE

Westfield
Office
Building
9170-9206

N-1

GRANDON AVENUE

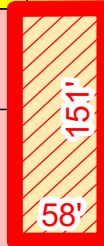
MIDDLEBELT ROAD

OXBOW AVENUE

C-1

RUF

NM 1



Midd Retail Plaza

997

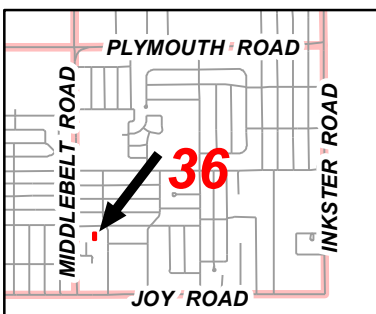
Address & Zoning Map

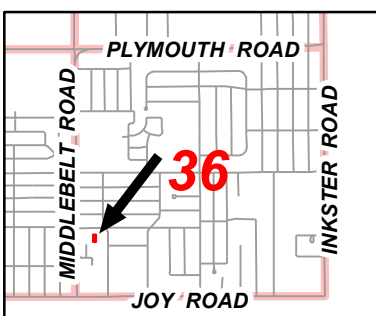
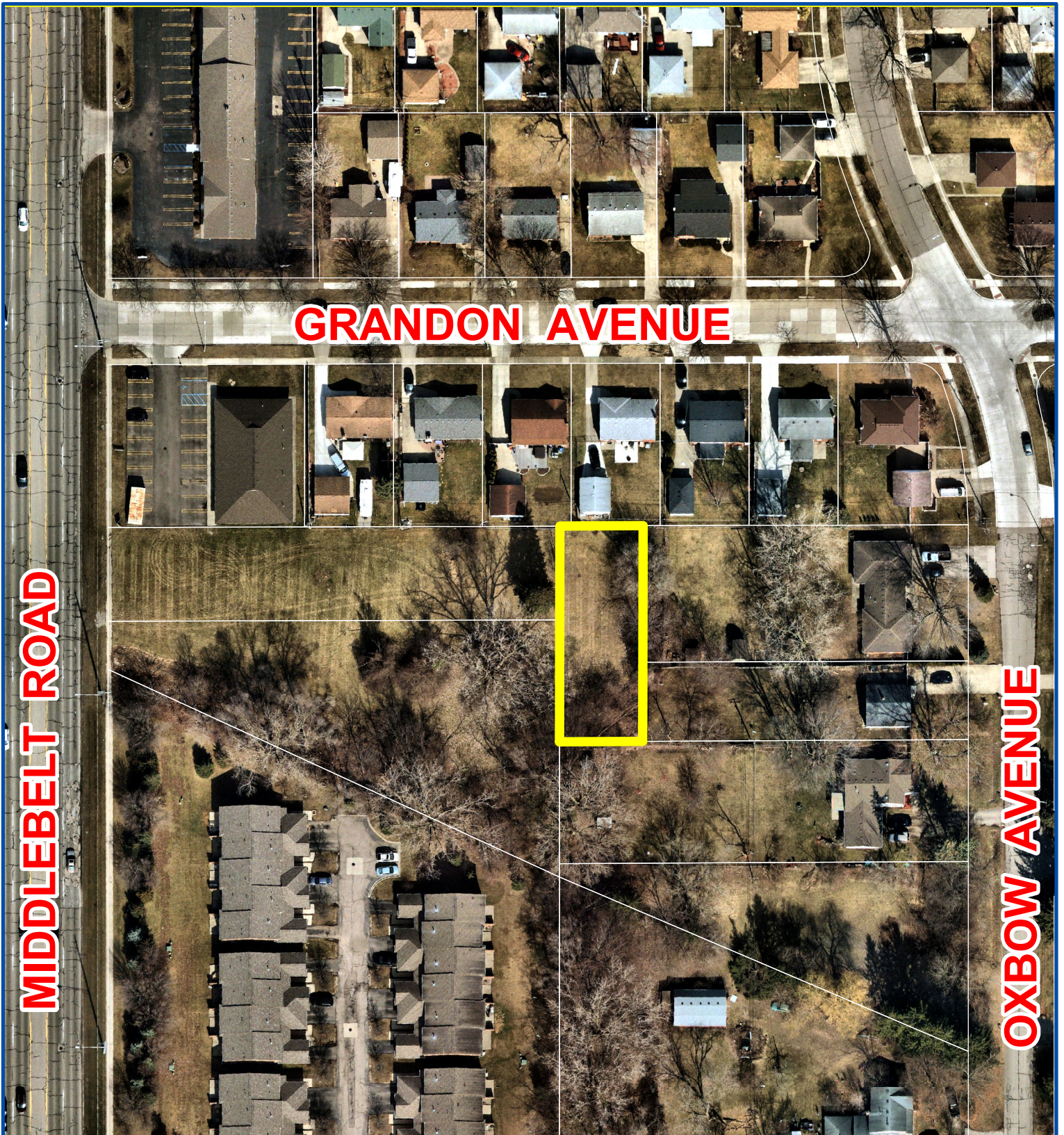
Petitions 2021-12-01-11
Maple Real Estate Group
9120 Middlebelt Road
RUF to C-1



Not to Scale

City of Livonia
Planning Department





Aerial Map

Petitions 2021-12-01-11
Maple Real Estate Group
9120 Middlebelt Road
RUF to C-1



Not to Scale



City of Livonia
Planning Department

Office
Building
9170-9206

**Corridor
Commercial**

GRANDON AVENUE

9130-9146

29196

29184

29172

29160

29148

29136

29082

29197

29185

29173

29161

29149

29137

29121

29069

9120

9119

**Low Density
Residential**

9061

9106

**Medium Density
Residential**

9105
9097
9089
9081
9073

9082
9074
9066
9058
9050
9042

9065
9057
9049
9041

9033
9025
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9002

9057

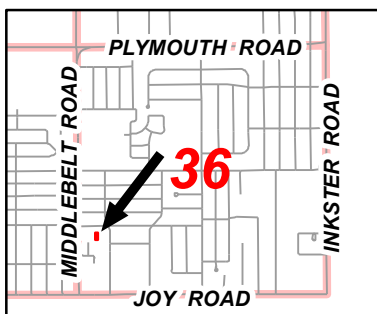
9047

9035

9023

MIDDLEBELT ROAD

OXBOW AVENUE



Future Land Use Map

Petitions 2021-12-01-11
Maple Real Estate Group
9120 Middlebelt Road
RUF to C-1



Not to Scale

City of Livonia
Planning Department

PLANNING COMMISSION STAFF NOTES

PUBLIC HEARING

ITEM 1

Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C. pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest $\frac{1}{4}$ of Section 36, from RUF (Rural Urban Farm) to C-1 (Local Business).

January 18, 2022: Study Meeting:

This petition seeks to rezone the rear (easterly) part of a parcel located at 9120 Middlebelt Road, from RUF (Rural Urban Farm) to C-1 (Local Business). The remaining westerly part of the subject property, along with the adjacent parcel to the south—both owned in common—are currently zoned C-1 and would be developed as a single site. Both parcels are currently vacant. The purpose of the rezoning is to facilitate the future development of a Planned Residential Development (PRD) consisting of a multifamily apartment complex. The subject parcel is L-shaped with approximately sixty-seven feet (67') of frontage along Middlebelt Road by a depth of 373 feet along its north property line. The rear fifty-eight feet (58') of the parcel extends south for a distance of 151 feet. This is the area proposed to be rezoned. The parcel overall is 29,843 square feet in size, or 0.68 acre. The area requested to be rezoned measures 58' x 151' for a total of 8,758 square feet. The adjoining trapezoidal-shaped parcel to the south, 9106 Middlebelt, adds approximately thirty-four feet (34') of road frontage and 33,464 square feet of land area. So overall, the two (2) parcels, as a single site, contain roughly 100 feet of road frontage and have a total combined land area of 63,307 square feet, or 1.45 acres.

Section 5.02 of the Livonia Vision 21 Zoning Ordinance provides special standards for Planned Residential Developments which are treated as a waiver use in commercial districts, subject to review and approval by the Planning Commission and City Council. Planned Developments are afforded considerable design flexibility, including modification in lot sizes, modifications of yard requirements, and allowing uses not permitted in the zoning district within which the Planned Development is located, when it is determined that such modifications will result in a more efficient use of land and will not be injurious to surrounding land and to the public. Planned Developments under Section 5.02 are intended to help overcome natural and other unique obstacles or constraints that pose challenges to land development under conventional design standards. Additionally, the final determination shall be based upon the following standards as set forth in Section 5.02(4):

- a) The proposed use or uses shall be of such location, size, and character as to be in harmony with the appropriate and orderly development of the zoning district in which situated and shall not be detrimental to the orderly development of adjacent zoning districts.
- b) The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it, shall be such that traffic to and from the use or uses, and the assembly of persons in connection therewith, will not be hazardous or inconvenient to the neighborhood nor conflict with the normal traffic of the neighborhood. In applying this

standard, the Commission shall consider, among other things: convenient routes for pedestrian traffic, particularly of children; the relationship of the proposed project to main traffic thoroughfares and to street and road intersections; and the general character and intensity of the existing and potential development of the neighborhood. In addition, where appropriate, the Commission shall determine that noise, vibration, odor, light, glare, heat, electromagnetic or radioactive radiation, or other external effects, from any source whatsoever which relates to the proposed use, will not have a detrimental effect upon neighboring property or the neighboring area in general.

- c) The location and height of buildings, the location and nature and height of walls and fences, and the nature and extent of landscaping of the site shall be such that they will not hinder or discourage the proper development and use of adjacent land and buildings nor impair the value thereof.
- d) The standards of density and required open space in the proposed project are at least equal to those required by this Ordinance in the zoning district in which the proposed project is to be located.

The preliminary plan shows a multifamily apartment complex made up of three (3) buildings containing eight (8) units per building for a total of twenty-four (24) dwelling units. The proposed development would occupy both parcels, including the rear portion of 9120 Middlebelt Road; thus, the rezoning is necessary since Planned Developments are not permitted in RUF zoning districts. Building #1 is positioned towards the front of the site, whereas Building #2 would occupy the rear, including the area proposed to be rezoned. Building #3 is between Buildings #1 and #2 along the southern edge of the property. A two-way private road from Middlebelt Road would provide access to all three (3) buildings. The plan shows a total of forty-eight (48) parking spaces which meets the ordinance requirement of two (2) spaces per unit. Each building would be two stories in height and contain eight (8) units, four (4) on each floor. Each unit would have two (2) bedrooms, a living/dining area, kitchen, one and half baths, and a walk-in closet. The buildings would be constructed out of brick with stone accents. The buildings' roofs would be peaked consisting of asphalt shingles. Fiber cement siding would be used on the gable ends of the apartment buildings.

Abutting the property to the north, east and south are single-family houses, zoned N1, (Neighborhood Single Family) and RUF (Rural Urban Farm). Bordering the north side of the property are four (4) ranch-style homes, zoned N1, that are a part of the Pearl Wilson Subdivision. The lots along this side of Grandon Avenue all measure approximately 62' x 113' with detached garages. To the east and partially to the south, are RUF-zoned homes on acreage parcels along the west side of Oxbow Avenue. Generally, these homes are located approximately 140 - 145 feet from the west boundary of the subject parcel. Also to the south is Newport Park, a residential condominium zoned NM1, Multifamily Residential. This 27-unit attached condominium was approved in 2001 under the R-C, Condominium Residential district regulations of the former Zoning Ordinance No. 543, as amended.

The Livonia Vision 21 (LV21) Future Land Use map designates the subject property as *Medium Density Residential*, which corresponds to a density of between 5 to 14 dwelling units per acre. With 24 units on 1.45 total acres, the proposed multifamily housing development would have an overall density of 16.5 dwelling units per acre, which is slightly higher (4 units)

than what the Master Plan recommends. Additionally, the proposed development plan shows all (100%) of the units as attached, whereas the Master Plan recommends that attached dwelling units should not represent more than 35% of all dwelling units. In comparison, Newport Park to the south, which is zoned NM1 (Multifamily Residential) and designated as Medium Density Residential on the Future Land Use Map, contains 27 units on 2.94 acres, representing a density of 9.18 dwelling units per acre, with 92.6% of the units being attached.

January 25, 2022: Public Hearing:

At the Study Meeting, the general consensus was that the change of zoning was appropriate in that it would align with the Future Land Use Map and bring the entire parcel under one zoning classification. Concerns related to the design of the project and other issues raised at the Study Meeting will be addressed when and if a waiver use/site plan application is submitted.

Approving Resolution: That the request to rezone the eastern fifty-eight feet (58') of 9120 Middlebelt Road from RUF (Rural Urban Farm) to C-1 (Local Business) is hereby approved, subject to City Council approval, for the following reasons:

1. That the proposed change of zoning is compatible to and in harmony with the surrounding land uses and zoning districts in the area.
2. That the proposed change of zoning is consistent with the developing character of the area.
3. That the proposed change of zoning represents a reasonable and logical zoning plan for the subject property which adheres to the principles of sound land use planning.
4. That the proposed change of zoning affects only a small portion of the property and will bring the subject parcel under a single zoning classification, and
5. That the proposed change of zoning is consistent with the Livonia Vision 21 Future Land Use Map.

Denying Reasons: That the request to rezone the eastern fifty-eight feet (58') of 9120 Middlebelt Road from RUF (Rural Urban Farm) to C-1 (Local Business) is hereby denied for the following reasons:

1. That the petitioner has failed to affirmatively show that the proposed change of zoning and the intended use of the property as a multifamily apartment complex would be compatible to and in harmony with the surrounding neighborhood.
2. That the proposed change of zoning is inconsistent with the established pattern of the surrounding development and would adversely alter the character of the area.

PUBLIC HEARING

ITEM 1 Petition 2021-12-01-11 – 9120 Middlebelt Road

Page 4

3. That the proposed change of zoning is not needed to develop the property.
4. That the density and number of attached apartment units shown on the submitted preliminary plans are contrary to the recommendations of the Livonia Vision 21 Master Plan.
5. That maintaining a low-density residential use is more consistent with the established pattern of development and character of the area, and
6. That the proposed zoning and use is contrary to the purposes, goals and objectives of the Zoning Ordinance, which seek to ensure compatibility and appropriateness of uses so as to enhance property values and to create and promote a more favorable environment for neighborhood use and enjoyment.

BOUNDARY AND TOPOGRAPHIC SURVEY

FLOOD HAZARD NOTE:

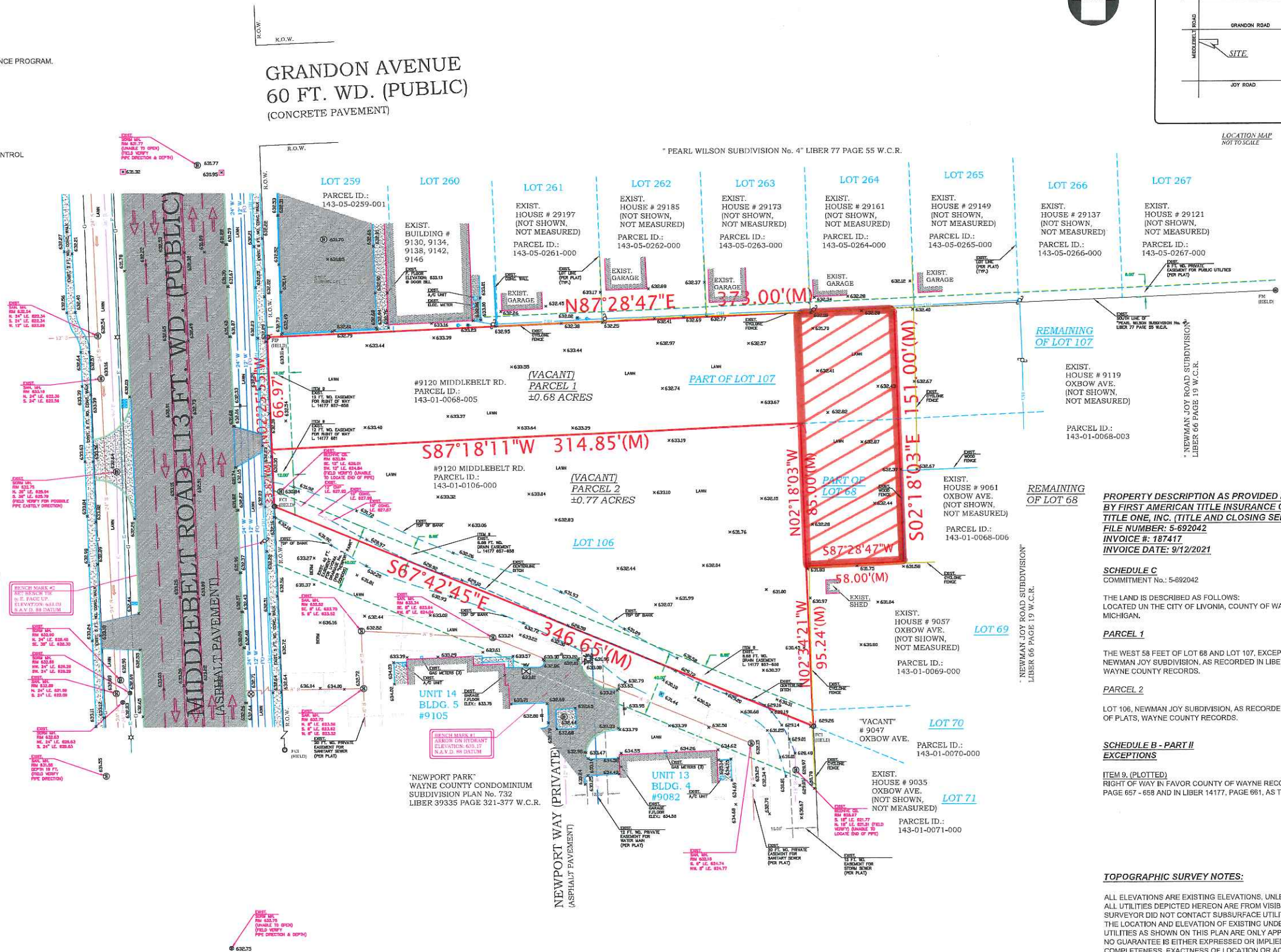
THE DESCRIBED PARCEL 1 & PARCEL 2 ARE NOT LOCATED WITHIN THE FLOOD HAZARD AREAS AS INDICATED BY (FIRM) FLOOD INSURANCE RATE MAP, MAP NUMBER 26183C0227E, PANEL 227 OF 575, COMMUNITY: CITY OF LIVONIA, NUMBER: 260233, PANEL: 0227, SUFFIX: E, WAYNE COUNTY, MICHIGAN, AS PREPARED BY THE (NFIP) NATIONAL FLOOD INSURANCE PROGRAM, FEDERAL EMERGENCY MANAGEMENT AGENCY, EFFECTIVE DATE: FEBRUARY 2, 2012

REFERENCE BENCH MARK:

ALL ELEVATIONS SHOWN ON THIS MAP ARE BASED ON: N.A.S.D. 1988 DATUM, ESTABLISHED BY GPS MEASUREMENTS (MEASURED CONTROL POINTS WITHIN THE SITE LIMITS), DATE OF SURVEY: NOVEMBER 10, 2021

LEGEND OF SYMBOLS & ABBREVIATIONS

- FM FOUND CONCRETE MONUMENT
- FCI FOUND CAPPED IRON ROD
- FIP FOUND IRON PIPE
- (R) OTHER RECORDED MEASUREMENT
- (M) FILED MEASUREMENT
- ELEV. ELEVATION
- ELEC. ELECTRIC
- I.E. INVERT ELEVATION
- WD. WIDE
- FT. FEET
- EXIST. EXISTING
- CONC. CONCRETE
- R.O.W. RIGHT-OF-WAY
- BOUNDARY LINE
- SPOT ELEVATION
- OH OVERHEAD LINES
- G GAS
- W WATER
- R STORM SEWER
- S SANITARY SEWER
- FO BURIED FIBER OPTIC
- E BURIED ELECTRIC LINES
- GAS VALVE
- WATER IN THE BOX
- WATER SHUT-OFF-VALVE
- FIRE HYDRANT
- SANITARY SEWER MANHOLE
- ROUND CATCH BASIN
- STORM MANHOLE
- GATE VALVE & WELL
- SQUARE CATCH BASIN
- GUY WIRE
- UTILITY POLE
- LIGHT POLE
- STEEL POST
- MAIL BOX
- CONCRETE SURFACE
- ASPHALT PAVEMENT



PROPERTY DESCRIPTION AS PROVIDED BY CLIENT
BY FIRST AMERICAN TITLE INSURANCE COMPANY
TITLE ONE, INC. (TITLE AND CLOSING SERVICES)
FILE NUMBER: 5-692042
INVOICE #: 187417
INVOICE DATE: 9/12/2021

SCHEDULE C
COMMITMENT No.: 5-692042

THE LAND IS DESCRIBED AS FOLLOWS:
LOCATED UN THE CITY OF LIVONIA, COUNTY OF WAYNE, STATE OF MICHIGAN.

PARCEL 1

THE WEST 58 FEET OF LOT 68 AND LOT 107, EXCEPT THE EAST 227.00 FEET, NEWMAN JOY SUBDIVISION, AS RECORDED IN LIBER 66, PAGE 19 OF PLATS, WAYNE COUNTY RECORDS.

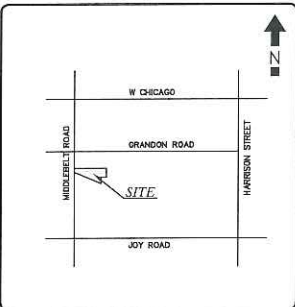
PARCEL 2

SCHEDULE B - PART II
EXCEPTIONS

ITEM 9. (PLOTTED)
RIGHT OF WAY IN FAVOR COUNTY OF WAYNE RECORDED IN LIBER 14177, PAGE 657 - 658 AND IN LIBER 14177, PAGE 661, AS TO LOTS 106 AND 107

TOPOGRAPHIC SURVEY NOTES:

ALL ELEVATIONS ARE EXISTING ELEVATIONS, UNLESS OTHERWISE NOTED. ALL UTILITIES DEPICTED HEREON ARE FROM VISIBLE EVIDENCE. SURVEYOR DID NOT CONTACT SUBSURFACE UTILITY LOCATOR SERVICE. THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS PLAN ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS, EXACTNESS OF LOCATION OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND ELEVATION OF EXISTING UTILITIES AND PROPOSED UTILITIES CROSSINGS IN THE FIELD PRIOR TO CONSTRUCTION.



ACCURATE SURVEYING AND MAPPING



SEAL:

DATE: NOVEMBER 12, 2021

CLIENT:

SAM FAKH
FAKH & ASSOCIATES PLLC
16030 MICHIGAN AVENUE, SUITE 200
DEARBORN, MI 48126

PROJECT LOCATION:

VACANT LAND
#9120 MIDDLEBELT ROAD,
LIVONIA, MI 48150
PARCEL ID.: 143-01-0068-005
#9106 MIDDLEBELT ROAD,
LIVONIA, MI 48150
PARCEL ID.: 143-01-0106-000

SHEET:

BOUNDARY AND
TOPOGRAPHIC SURVEY



DATE: REVISION:

DRAWN BY:

DESIGNED BY:

APPROVED BY:
C. WEHBE
SURVEY DATE:
NOVEMBER 9, 2021

SCALE:
1" = 30'
BOOK #:
B-102

JOB NO. SHEET NO.
021-172 1 OF 1

Middle Belt Rd
(County Road)

**Proposed Multifamily Planned
Residential Development
C1-Local Business Zoning District
Single Phase Project**

9106 Middle Belt Rd

- 8 Two-Bedroom Units per building
- 24 Apartment Units total
- 48 10ft x 20ft Parking Spaces

- 60 ft front setback
- Fire apparatus widths observed

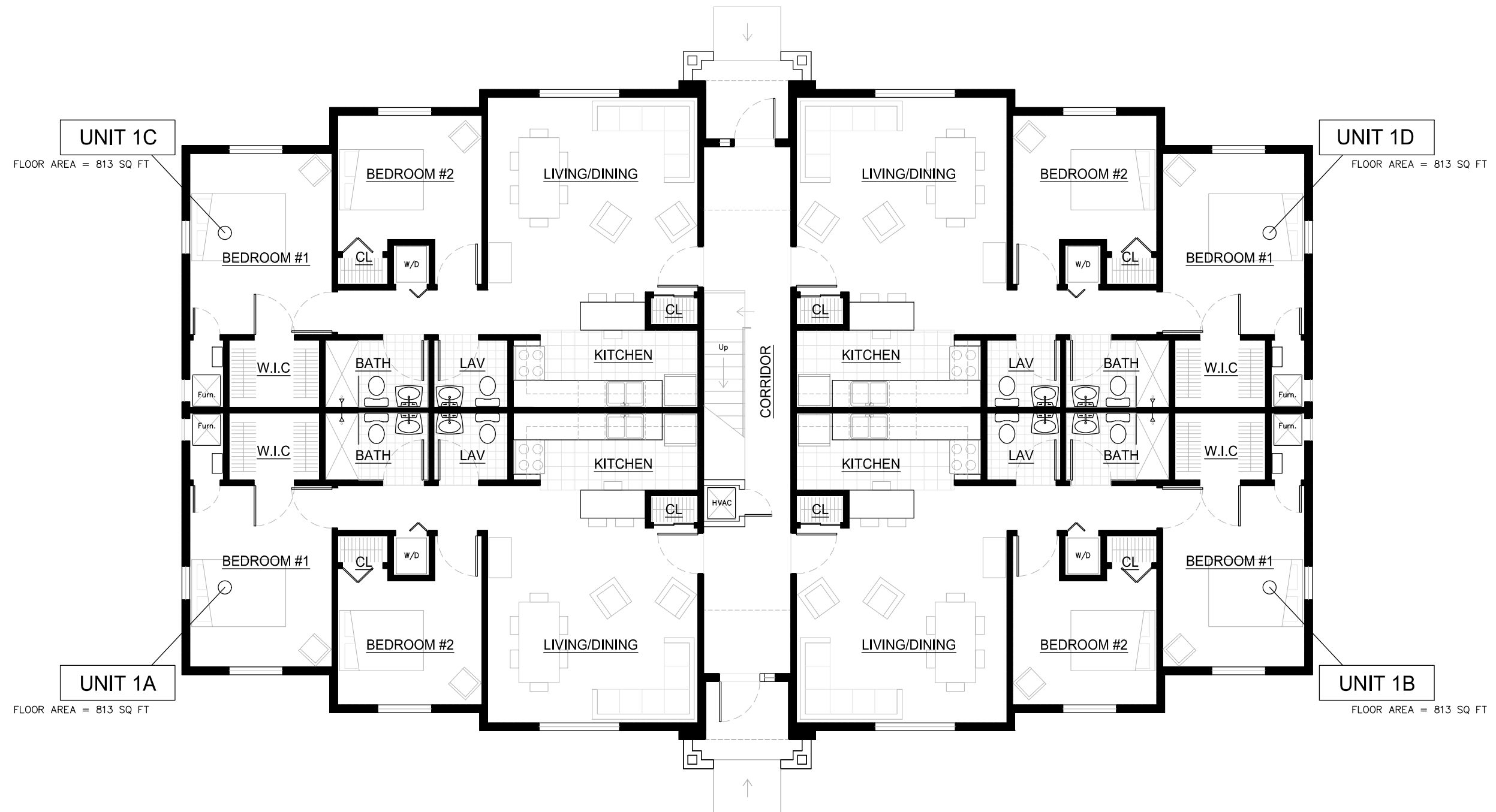
- Floor Area Per Building 7,130 sf
- Total Floor Area all Buildings 21,390 sf
- Building Footprint, Per Building = 3,774 sf
- Site Area 63,134 sf
- Site Coverage by Buildings = 18%
- Floor-to-Area Ratio = 0.34



SITE PLAN

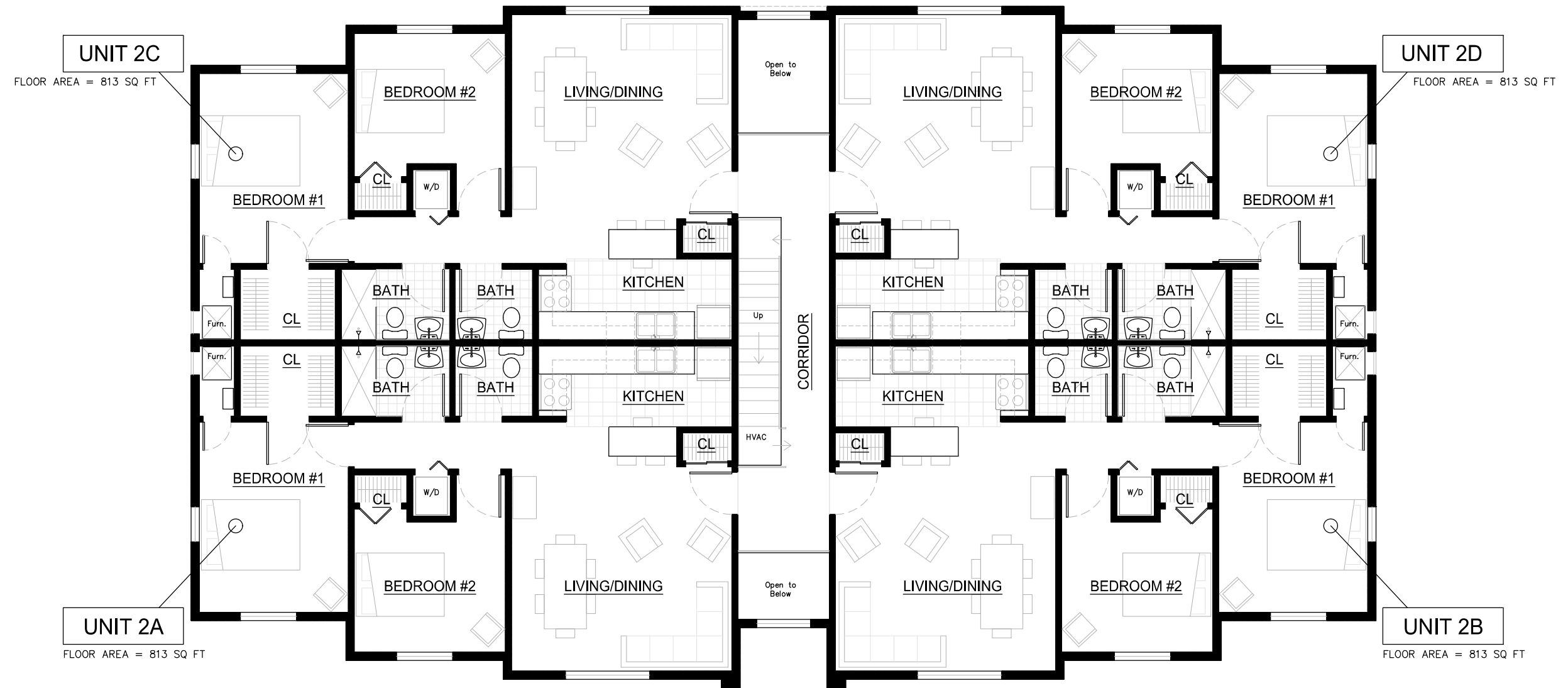
1/16" = 1'-0" @ 24x36

0 10 40 feet



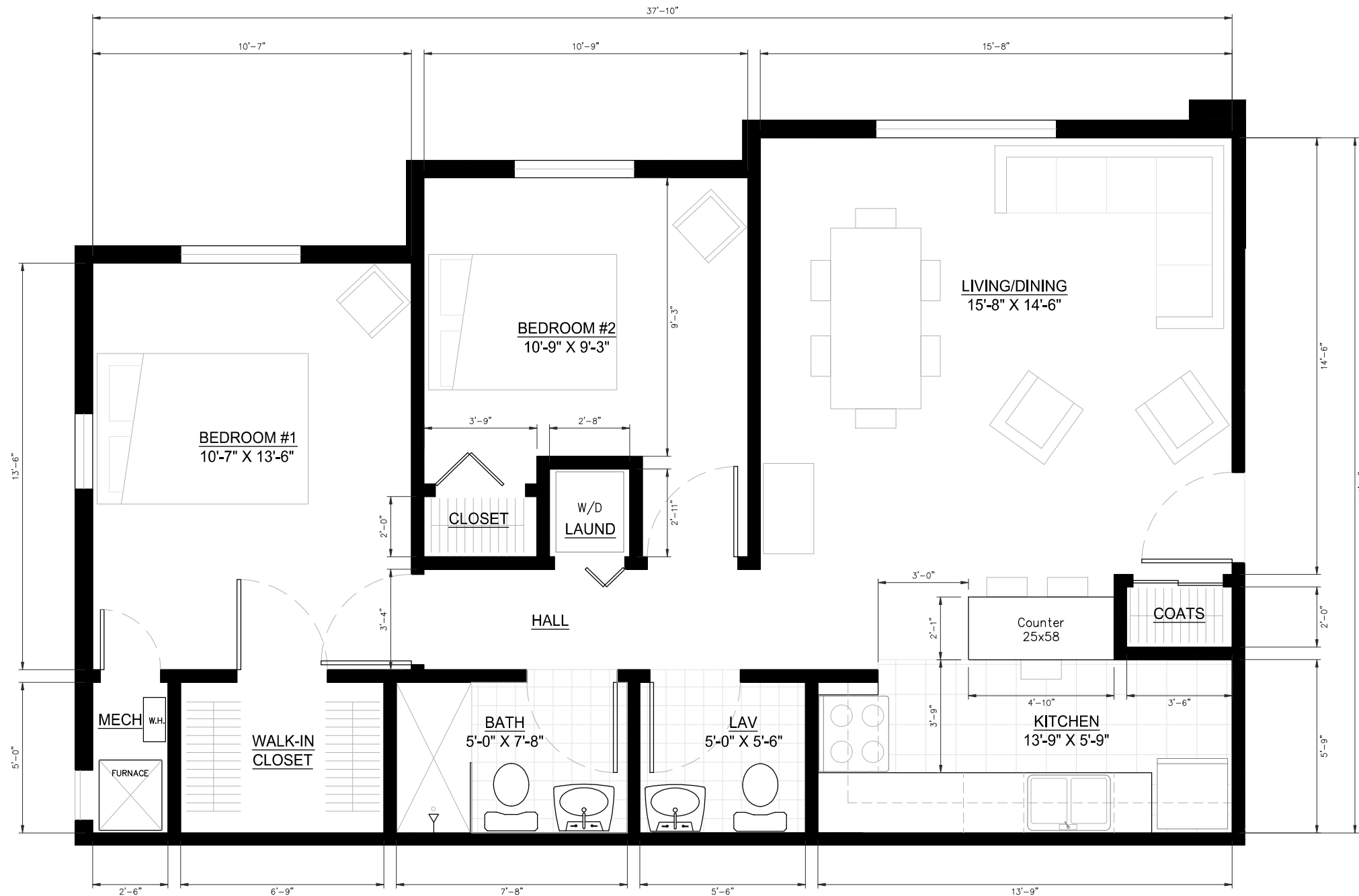
FIRST FLOOR PLAN

1/4" = 1'-0"
BUILDING FLOOR AREA = 3,565 SQ FT PER FLOOR
BLDG #1 PLAN SHOWN, BLDGS #2 AND #3 SIMILAR



SECOND FLOOR PLAN

1/4" = 1'-0"
BUILDING FLOOR AREA = 3,565 SQ FT PER FLOOR
BLDG #2 AND #3 PLAN SHOWN, BLDG #1 SIMILAR



TYPICAL UNIT FLOOR PLAN

1/2" = 1'-0"
FLOOR AREA = 813 SQ FT, Version "C"

ASPHALT SHINGLES

COATED METAL
TRIM

FIBERGLASS
WINDOW UNITS

BRICK

NATURAL STONE
VENEER



FRONT ELEVATION (Typical)

1/4" = 1'-0"

ASPHALT SHINGLES

COATED METAL
TRIM

FIBERGLASS
WINDOW UNITS

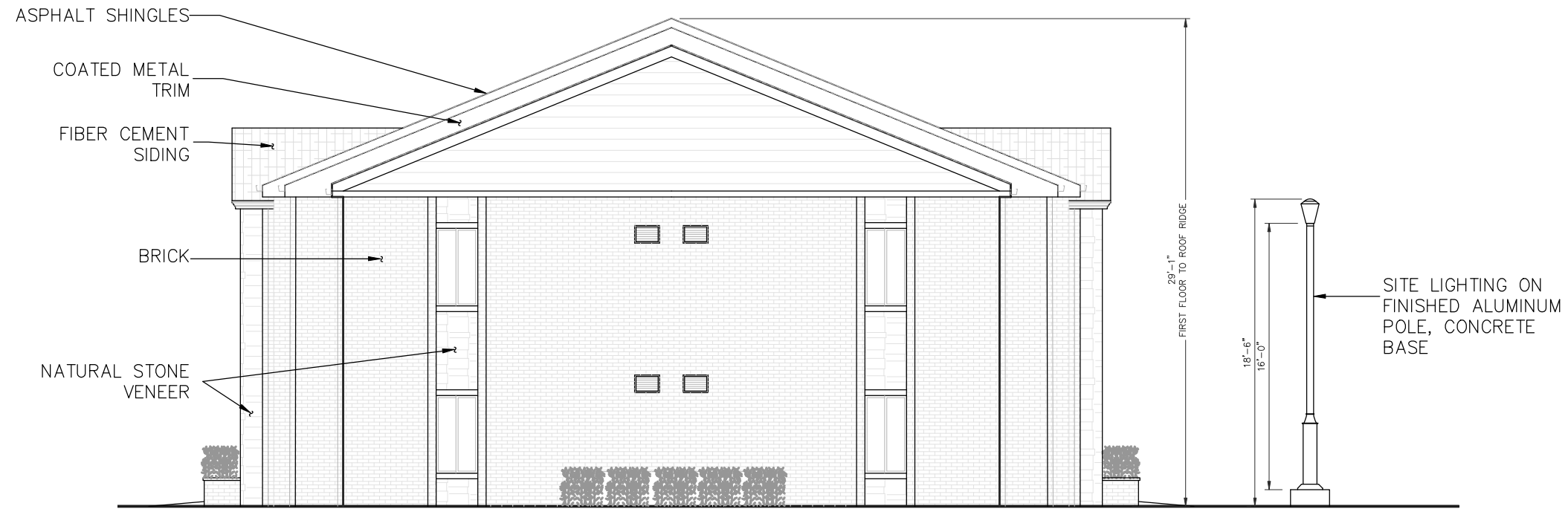
BRICK

NATURAL STONE
VENEER



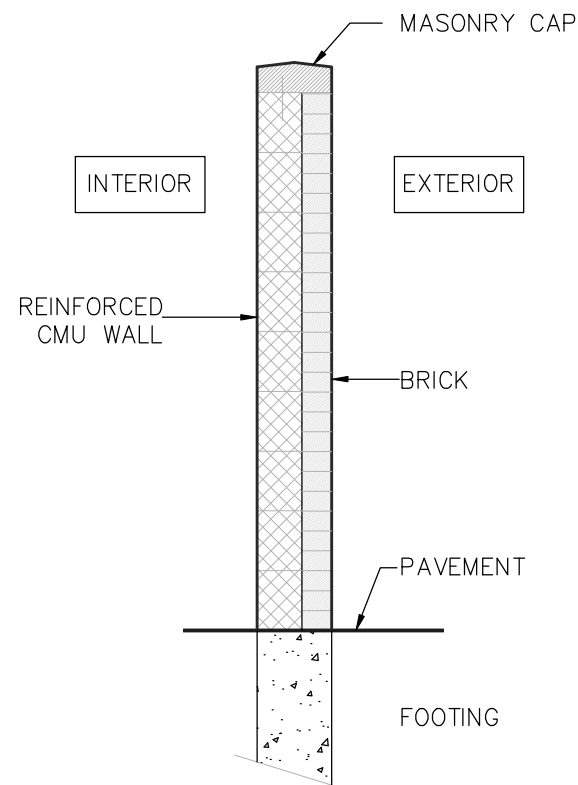
REAR ELEVATION (Bldgs 2 and 3)

1/4" = 1'-0"



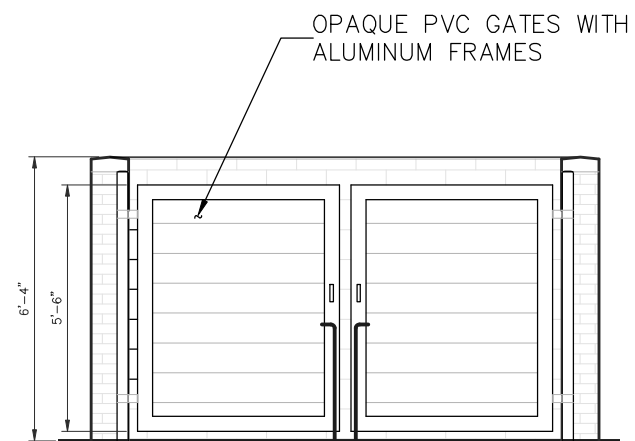
SIDE ELEVATION (Typical)

1/4" = 1'-0"



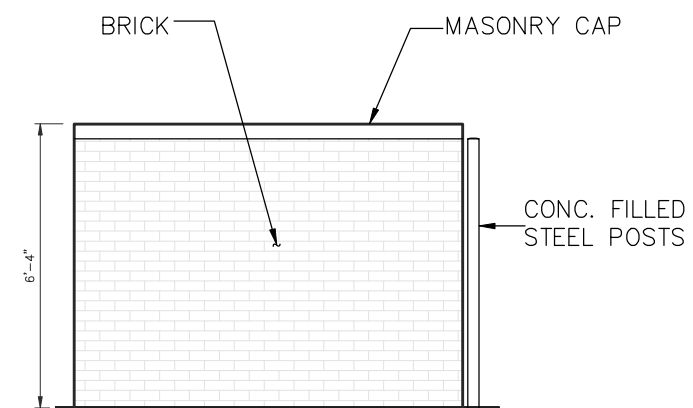
DUMPSTER ENCLOSURE
WALL SECTION

1" = 1'-0"



DUMPSTER ENCLOSURE
FRONT ELEVATION

1/2" = 1'-0"



DUMPSTER ENCLOSURE
SIDE ELEVATION

1/2" = 1'-0"









DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

TODD J. ZILINCIK, P.E.
CITY ENGINEER

DAVID W. LEAR, P.E.
ASST. CITY ENGINEER



MAUREEN MILLER BROSNAN
MAYOR

DONALD R ROHRAFF
DIRECTOR OF PUBLIC WORKS

12973 FARMINGTON ROAD
LIVONIA, MICHIGAN 48150
(734) 466-2571
FAX: (734) 466-2195

December 29, 2021

Mr. Scott Miller
Planner IV
City of Livonia

Re: Petition 2021-12-01-11 – #9120 Middlebelt Road

Dear Mr. Miller:

In accordance with your request, the Engineering Division has reviewed the above referenced petition. We have no issues with the proposed re-zoning at this time. The subject parcel is assigned the address of **#9120 Middlebelt Road**. The legal description contained within the submittal appears to be correct for the overall parcel, although the owner should provide a legal description for the portion of the property to be rezoned.

The existing parcel currently has access to public water main, storm sewer and sanitary sewer, although the sanitary sewer is located on the west side of Middlebelt Road. At this time, there is nothing that would indicate negative impacts to any of the existing utilities since the petition is for zoning purposes and shows no development details. Should the site be developed, the owner would need to submit drawings to this Department for a proper plan review and permitting.

Should you have any additional questions on this matter, please feel free to contact myself at (734) 466-2608 or the City Engineer, Mr. Todd Zilincik at (734) 466-2561. If you would prefer, you can e-mail either of us at dlear@livonia.gov or tzilincik@livonia.gov.

Sincerely,

David W. Lear, P.E.
Assistant City Engineer

cc: 2021 Petition File

DEPARTMENT OF FINANCE

Michael T. Slater
DIRECTOR OF FINANCE

Connie Kumpula
CHIEF ACCOUNTANT



MAUREEN MILLER BROSNAN
MAYOR

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2260
FAX: (734) 421-1807

January 14, 2022

Mr. Scott O. Miller
Planning Commission
33000 Civic Center Drive
Livonia, MI 48154

Petition 2021-12-01-11 - 9120 Middlebelt Road

Dear Mr. Miller,

I have reviewed the address connected with the above noted petition. As there are no outstanding amounts receivable (general or water and sewer), I have no objections to the proposal.

Please contact me if you have any further questions.

Very truly yours,

Connie Kumpula
Chief Accountant

CK: jw

OFFICE OF THE TREASURER

LYNDA L. SCHEEL
CITY TREASURER



33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3060
(734) 466-2245
FAX: (734) 421-7230

January 13, 2022

Mr. Scott Miller – Planner IV
Planning Commission
City of Livonia

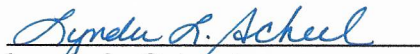
Re: Petition 2021-12-01-11

9120 Middlebelt Road
Maple Real Estate Group

Dear Mr. Miller,

In accordance with your request, the Treasurer's Office has reviewed the name and addresses connected with the above noted petition. At this time no taxes are due, therefore I have no objections to the proposal.

Sincerely,


Lynda L. Scheel
Treasurer, City of Livonia

**OTHER ITEMS
RELATED TO THE
PETITION**

UNAPPROVED MINUTES

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MINUTES OF THE 1,182nd PUBLIC HEARINGS AND REGULAR MEETING HELD BY THE CITY PLANNING COMMISSION OF THE CITY OF LIVONIA

On Tuesday, January 25, 2022, the City Planning Commission of the City of Livonia held its 1,182nd Public Hearing and Regular Meeting in the Livonia City Hall, 33000 Civic Center Drive, Livonia, Michigan.

Mr. Ian Wilshaw, Chairman, called the meeting to order at 7 p.m.

Members present: David Bongero Sam Caramagno Glen Long
 Betsy McCue Carol Smiley Peter Ventura
 Ian Wilshaw

Members absent: None

Mr. Mark Taormina, Planning Director, Jacob Uhazie, Planning & Economic Development Coordinator, and Stephanie Reece, Program Supervisor, were also present.

Chairman Wilshaw informed the audience that if a petition on tonight's agenda involves a rezoning request, this Commission makes a recommendation to the City Council who, in turn, will hold its own public hearing and make the final determination as to whether a petition is approved or denied. The Planning Commission holds the only public hearing on a request for preliminary plat and/or vacating petition. The Commission's recommendation is forwarded to the City Council for the final determination as to whether a plat is accepted or rejected. If a petition requesting a waiver of use or site plan approval is denied tonight, the petitioner has ten days in which to appeal the decision, in writing, to the City Council. Resolutions adopted by the City Planning Commission become effective seven (7) days after the date of adoption. The Planning Commission and the professional staff have reviewed each of these petitions upon their filing. The staff has furnished the Commission with both approving and denying resolutions, which the Commission may, or may not, use depending on the outcome of the proceedings tonight.

ITEM #1 PETITION 2021-12-01-11 Maple Real Estate Group, LLC

Mr. Caramagno, Secretary, announced the first item on the agenda, Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C. pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue

UNAPPROVED MINUTES

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in the Southwest ¼ of Section 36, from RUF (Rural Urban Farm) to C-1 (Local Business).

Mr. Wilshaw: Mr. Ventura?

Mr. Ventura: Mr. Chairman, I have a conflict of interest on this agenda item and I would like to recuse myself from these proceedings.

Mr. Wilshaw: Okay, we will note that Mr. Ventura is going to step away from our dais and stay in the audience for the remainder of this agenda item. With that, we will move on to Mr. Taormina with background information on this petition.

Mr. Taormina: Thank you, Mr. Chairman. This is a request to rezone property that is located on the east side of Middle Belt Road just south of Grandon Ave. The change would be from RUF (Rural Urban Farm) to C-1 (Local Business). The address of the property is 9120 Middle Belt Road. The rezoning would affect only the east 58 feet of the parcel. The remaining westerly part is currently zoned Local Business, thus, the intent is to bring the entire parcel under the same C-1 zoning classification. 9120 Middle Belt Road is an "L" shaped parcel with 67 feet of road frontage by a depth 373 feet along its north property line. The rear 58 feet of the parcel extends south for a distance of 151 feet. This is the area that is proposed to be rezoned. It measures 58 feet by 151 feet, for a total area of 8,758 square feet. The parcel overall is roughly 29,800 square feet in size, or 0.68 acres. Adjoining 9120 Middle Belt to the south is 9106 Middle Belt Road, which is under the same ownership and is zoned C-1. 9106 Middle Belt adds another 35 feet of road frontage and 33,464 square feet of land area. Together, the two parcels have roughly 100 feet of frontage on Middle Belt Road and contain a total land area of 1.45 acres. Both parcels are vacant and would be combined and developed as a single site. The purpose of the rezoning is to facilitate the future development of a Planned Residential Development consisting of a multi-family apartment complex. Section 5.02 of the zoning ordinance provides special standards for Planned Residential Developments, which are treated as a waiver-use in commercial districts, subject to the review of the Planning Commission and City Council. Planned developments are afforded considerable design flexibility, including modification in lot sizes, yard requirements, and allowing uses that are not permitted in the zoning district, within which the planned development is located. The preliminary plan shows a multi-family apartment complex that would be made up of three buildings. Each building

contains eight units, for a total of 24 dwelling units. The proposed development would occupy both parcels, including the rear portion of 9120 Middle Belt Road. Building 1 is positioned toward the front of the site, whereas Building 2 would occupy the rear, including the area that is proposed to be rezoned. Between these two buildings is Building 3, which is along the southern edge of the property. A two-way private road from Middle Belt would provide access to all three of the buildings. The plan shows 48 parking spaces. Each building would be two-stories in height and would contain eight units, four on each floor. Each unit would have two bedrooms, a living and dining area, kitchen, one and a half baths, as well as a walk-in closet. The buildings would be constructed out of brick. The roofs would be peaked and would consist of asphalt shingles. Fiber cement siding would be used on the gable ends of the apartment buildings. This is a rendering of what the buildings would look like. Bordering the site to the north are four single-family homes that are on lots that measure approximately 62 feet in width by 113 feet in depth. These lots are part the Pearl Wilson subdivision. The zoning is N-1 (One family). To the east and partially to the south are single-family homes along Oxbow Street. These homes are on slightly larger unplatted parcels that are zoned RUF (Rural Urban Farm). To the south is Newport Park, which is multi-family development zoned NM1. This is a 27 unit attached condominium project that was approved in 2001 under the previous R-C (Condominium Residential) regulations. The Future Land Use plan designates the subject property as medium density residential. This corresponds to a density of between 5 to 14 dwelling units per acre. The proposed multi-family housing development as shown on the preliminary plans has a density of 16 ½ dwelling units per acre, which is slightly higher by about four units than what the Master Plan recommends. With that, Mr. Chairman, I can read out the departmental correspondence.

Mr. Wilshaw: Yes, please.

Mr. Taormina: The first item is from the Engineering Division, dated December 29, 2021, which reads as follows: *"In accordance with your request, the Engineering Division has reviewed the above referenced petition. We have no issues with the proposed rezoning at this time. The subject parcel is assigned the address of #9120 Middlebelt Road. The legal description contained within the submittal appears to be correct for the overall parcel, although the owner should provide a legal description for the portion of the property to be rezoned. The existing parcel*

currently has access to public water main, storm sewer and sanitary sewer, although the sanitary sewer is located on the west side of Middlebelt Road. At this time, there is nothing that would indicate negative impacts to any of the existing utilities since the petition is for zoning purposes and shows no development details. Should the site be developed, the owner would need to submit drawings to this Department for a proper plan review and permitting." The letter is signed by David W. Lear, P.E., Assistant City Engineer. The next letter is from the Finance Department, dated January 14, 2022, which reads as follows: *"I have reviewed the addresses connected with the above noted petition. As there are no outstanding amounts receivable, general or water and sewer, I have no objections to the proposal."* The letter is signed by Connie Kumpula, Chief Accountant. The next letter is from the Treasurer's Department, dated January 13, 2022, which reads as follows: *"In accordance with your request, the Treasurer's Office has reviewed the address connected with the above noted petition. At this time, there are no outstanding amounts receivable for taxes. Therefore, I have no objections to the proposal."* The letter is signed by Lynda Scheel, Treasurer. That is the extent of the correspondence.

Mr. Wilshaw: Are there any questions of the Planning Director? If not, Mr. Taormina, can you explain for our benefit and also for our audience, the difference that would occur in developing this as a C-1 zoning with Planned Residential Development versus an NM1 or NM2 Multi-family zoning? There is a reason that these are being done differently. I am curious as to what the criteria is that is different between them.

Mr. Taormina: The NM1 and NM2 districts are the city's two neighborhood multi-family districts. NM1 is strictly for owner-occupied housing, including condominiums, whereas NM2 would allow for apartment dwellings. The standards are slightly different in terms of setbacks, percentage of lot covered by buildings, and a few other items. I am not sure how it affects this particular development since it has not been reviewed under those standards. What I can tell you is that the petitioner is looking to retain the majority of the existing zoning, in this case, C-1. The change only affects a small portion of the property. The ability to develop the site under the special waiver-use provisions really is very similar if the entire property was rezoned to NM2. The planned development option, however, affords flexibility in the design standards. It does give us the ability to move things around that may not entirely comply with the strict standards of

the NM2 district regulations. That is one of the benefits of applying these special waiver-use standards in this case.

Mr. Wilshaw: Okay, thank you, Mr. Taormina. I think that is beneficial for us to hear, but also even for anyone is interested in this petition. Thank you. Is there any other questions for our planning staff? If not, our petitioner is in the audience. We will need your name and address for the record please.

Sam Fakh, 16030 Michigan Ave., Ste. 200, Dearborn, MI. I am one of the owners of Maple Real Estate Group. I don't have anything formal to present. I think Mr. Taormina did a wonderful job in presenting the project. Today's petition is really to rezone this 56 x 100 feet of land. I think it is kind of like an island in the back of the property where the entire property is zoned C-1. This one, I think, they might have forgotten about it or I am not really sure why it was stuck back there and was never rezoned with the remainder of the property. The property was all one parcel or two parcels. It was never separated, but I think that maybe when the zoning map was created, didn't recognize the fact that this was the same owner for the entire parcel. In terms of the project, the future project, I could talk about it if you would like. I talked about it briefly last time I was in front of you at the study session. It is a unique property in terms of shape. So, it is kind of hard to develop this property as a commercial property because it only has 100 feet of frontage. To maximize the use of the property, because it is kind of a triangle, we thought about developing it as a multi-family and these are luxury apartments. As we spoke before and I mentioned before, these are all two-bedroom apartments, 800 square feet, open space, two bedrooms with a walk-in closet, high-end finishes, all the buildings are brick and stone. We have a two-story atrium or lobby for each building and four units on each level. In terms of the building size itself, it is about 29 feet in height, which is similar to the condos right next door, so it's not really an enormous height that doesn't fit in the area. It is an enclosed community, meaning that it is going to be fenced off all the way around. There are a lot of mature trees in the back of the property where the 50 x 106 that is being rezoned. There is going to be a lot of mature trees. This particular site plan doesn't show it, but we have a newer site plan that shows the mature trees that we are going to keep. That will keep a little bit of privacy between both the residences in the back and the building we are going to develop. Same thing on this side of the property where the condos are at. Lots of mature trees that will give a lot of privacy. In terms of the development itself, as you

can see, we are not using the entire property. We are keeping a lot of greenery. We have the footprints in terms of square footage compared to the entire property is somewhat low. We did a nice gazebo on the property, and we also did a walkway across the property for the residents to enjoy. A couple detention ponds on the property. I think that is basically summarizes the highlights of the project itself. If you have any questions, obviously, I am here. We have the architect here that can answer any of your questions.

Mr. Wilshaw: Thank you, Mr. Fakh. It is important to note that this is rezoning that you are asking for today. We are going to try and focus our discussion and decision making on that rezoning. The site plan presented to us is certainly conceptual. It gives us an idea of what you want to do to develop it, but that will come back to us in a separate process. The site plan process. If this moves forward, we will get into a lot more details about that site plan and the building materials and so on. I just want to reiterate that. Is there anyone on the Commission with questions for our petitioner?

Mr. Caramagno: Hello sir. I was over there today looking around a little bit. I looked at the condos to the south of there. I know that I looked at some of the details here aside from the rezoning and it looks like there is a lot more thought put into the layout of this than what the property next door would be looking like. At least in my mind. It appears that this would be a fair application in my mind. I just wanted to tell you that right out of the gate.

Mr. Fakh: Thank you.

Mr. Wilshaw: Thank you, Mr. Caramagno. Any other questions or comments for our petitioner?

Mr. Long: Mr. Fakh, I think this makes sense bringing in the zoning inline. Obviously, this is a preliminary site plan. There are some concerns when I look at that, as far as proximity to the property lines and things like that, but obviously we will take care of that if and when you come back for site plan. I think this makes sense. Thank you.

Mr. Wilshaw: Thank you, Mr. Long. Any other questions or comments? Is there anybody in the audience that wishes to speak for or against this item? Feel free to come forward. I see a gentleman getting up in the back. Good evening, sir. We will just ask for your name and address for our record.

Don Schekel, 29161 Grandon, Livonia, MI. The proposed property that you are talking about rezoning abuts my property. Several things on this that I have noticed. About a year ago when they put this property up for sale, I contacted the Planning Department and the Zoning Board. 9120 the L-shaped lot was zoned as single-family residential and 9120 was commercial office. When we seen the notice and got this notice, I looked it up again. It changed to C-1. When did that happen?

Mr. Wilshaw: We will see if we can get an answer for you, sir. Mr. Taormina, are you aware of the history of the rezoning's on these parcels?

Mr. Taormina: Yes. So, the adoption of the Livonia Vision 21 Zoning Ordinance, as you will recall, consolidated several of the districts. One of the major changes was the elimination of the OS district and those districts being rezoned to C-1. That affected all of the OS zoned properties in the city, including several properties along Middle Belt Road, including this site.

Mr. Wilshaw: Thank you, Mr. Taormina. So, sir, when we went through a process last year to update all of our zoning classifications, the office zoning was eliminated. They were all incorporated into commercial or C-1 zoning, so that is when that happened. That was 9120. 9106, excuse me. That was 9106 that was changed. 9120 was single-family. It wasn't office. It was single-family residential and then you have it behind my property as Rural Urban Farm. It wasn't classified as that before. That was single-family, so I don't understand how these changes got made and we were never notified, but now someone wants to build on it and we have to have a hearing that says we are going to rezone this, and we are going to notify you. Why was there never any notifications given out before?

Mr. Wilshaw: When the zoning map was updated for the entire city, it was notified to the entire community as a large project of all zonings being updated. That would have changed the office zoning to the commercial. That wouldn't have changed any commercial to...or residential to commercial. That would not have happened. So, what is 9120 zoned now?

Mr. Wilshaw: 9120 is currently zoned C-1 commercial.

Mr. Schekel: That is what I am saying. It was single family and now it is C-1. When...also the urban family. When did that get changed?

UNAPPROVED MINUTES

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- Mr. Wilshaw: Let me see if Mr. Taormina has some information for us.
- Mr. Taormina: Yes, so I think maybe part of the confusion is what was the zoning of 9120 prior to the adoption of the Livonia Vision 21 Zoning Ordinance. This is the parcel right here, although it may be difficult to see the outline, but the westerly portion of the site was zoned OS (Office Services) prior to the adoption of Livonia Vision 21. This area to the east that we are reviewing this evening, that was always zoned RUF (Rural Urban Farm), so the change only affected this portion of 9120 Middle Belt and it went from OS to C-1. It was not previously zoned single-family residential as Mr. Schekel has indicated.
- Mr. Wilshaw: Perhaps it is a bit of a misunderstanding in the sense that the rear portion of the lot, which is what we are discussing tonight, has been zoned RUF and that has been zoned RUF for a long long time.
- Mr. Schekel: Like I said, I went through your Planning Commission just about a year ago. The site maps for the City of Livonia show that L-shaped lot, the entire thing as single-family residential. Now it is C-1 and Rural Urban. At some point that property got split and like I said, I am curious as to when that...how that happened?
- Mr. Wilshaw: I think we are at a bit of an impasse. We don't have that information for you right here as you understand it. Let's see if we can find out your feelings on it at this point with what we are dealing with right now.
- Mr. Schekel: Also, with the rezoning of that, and listening to a number of times people are talking about all the different waivers. Looking at the site maps and the plans all...they look great and all that stuff, but you are talking about an apartment complex right behind my property. Is there a waiver on the footage from my property line to where they are actually going to establish a building?
- Mr. Wilshaw: There are standards as to how close they can be to property lines. Mr. Taormina can give us those details if you would like, but we are at the point right now where we are looking at the zoning of this one parcel. When we get into the site plan process, is when we will look to see what they propose in terms of where they want the building located and where they fit within those setbacks and those limitations and if there is anything that violates those, then they would have to go through an additional

process of getting zoning and waivers from the Council and zoning boards and so on. We are not at that point yet.

Mr. Schekel: I am just trying to figure it out before we get to that point and if there are going to be waivers and all that put in, are we going to be notified or do I have to read it in the Livonia Observer.

Mr. Wilshaw: You will definitely be notified. You are within the radius of the property.

Mr. Schekel: Thank you.

Mr. Wilshaw: Thank you, sir. Next, Mr. Wilshaw.

Jeff Wilshaw, 29137 Westfield, Livonia, MI. I am a few hundred feet north of the property. A little nervous about the entire parcel going C-1. As C-1 can be restaurants is my understanding and other more commercial. I don't think we have very many properties in the city where it is a narrow band that jets in deep like this piece of property. I have no problem at all with an apartment or a condominium complex. I think this proposed development is a little too dense in nature personally, but I would welcome something in that property, just not as dense, but certainly not in C-1 classification because from my understanding and please correct me if I am wrong, is that if the developer at the end after having the C-1 says you know what, I want to throw a restaurant there or something different that he would have the green light to go ahead and do that more or less. It is a real long piece of property jetting right into the middle of the residential area. That is my only concern about it. Thank you for your time.

Mr. Wilshaw: Very good. Thank you. Good evening, sir.

Brandon Grysko, 41700 West Six Mile Road, Northville, MI 48168. I represent Ventura Real Estate. I am here representing Ventura Real Estate as I said. They are currently the property owner. I commend you Mr. Chair for keeping us on track today with respect to what the issue actually is that is before the Commission at this time. Which, in my view, is simply whether or not it makes sense to leave sort of this little island in the back of this parcel that is zoned for Urban Farm, whereas the rest of the parcel is zoned C-1 for commercial. I think that is really the appropriate focus of the Commission and I again, I commend the Commission for keeping us focused kind of on that issue there. I think it is pretty clear that planning standards and public policy sort of all favor the idea that a parcel probably shouldn't

be split zoned. Particularly not in this manner where you have sort of these wild different standards for one part of the parcel, in fact for a vast majority of the parcel and a totally separate set of standards for another more narrow piece of the parcel, so I really urge the commission to recommend that this entire parcel be zoned cohesively for all the reasons you would expect, including cohesive administration of the zoning ordinance and the ability for developers to come in and do something with the property without having to go back through this sort of process again, so I think that is really important to keep in mind here. I don't want to stray too far off track from what the purpose of this hearing is, but I will say that being someone that is out in the community and involved in the community, being involved in the local Chamber of Commerce, I do hear a lot from local businesses that there is an urgent need for housing and this is certainly a project that I commend Mr. Fakhri for putting forth a nice looking project and understand that this is going to be back before probably the Commission and City Council for waiver-use approval and things of that nature in the future, but overall this is a nice looking project and I think it fills a need in the city's Master Plan for this type of housing, so Ventura Real Estate and myself would encourage the Commission to recommend approval of this rezoning for just this one piece of a parcel to C-1.

Mr. Wilshaw: Great. Thank you, Mr. Grysko. Is there anyone else wishing to speak for or against this project? If not, I don't see anyone else in our audience. Mr. Taormina, there was a question asked in regard to other uses that could occur on this property if it is rezoned to C-1. Of course, we are just looking at the back portion, but what controls are in place to follow-up on that question? What controls are in place that would exclude or prevent this project from becoming a commercial development, like say a McDonalds or something along those lines through this process?

Mr. Taormina: There are a couple of answers to that question. So, the current zoning of most of the property is C-1. There is nothing that would prevent a petition being submitted, at this point, for a commercial development. As long as it included uses that were treated as permitted under the C-1 district regulations and it complied with all the other regulations, height, bulk, and area standards, there is very little the city could do. Now, with the development of a planned residential project, like the one we are discussing, we have the ability through this process to include a development agreement. Through that development

agreement we could look to have certain terms and conditions included that would restrict the future use of this property to only the apartments or other specific uses that the city deemed would be appropriate for that land, should the apartment complex not be developed. There is a couple options we could look at, but a general planned residential development agreement is something that we could consider along with the waiver application to address some of those concerns.

Mr. Wilshaw: Okay, Mr. Taormina. I appreciate that answer to that question. Also, the process by which the city goes through the rezoning and site plan process and correct me if I am wrong, we look at the zoning and we send this on to City Council and City Council will hold the rezoning of a parcel until the site plan catches up to it and then they approve both the rezoning and the site plan at the same meeting typically, and that provides some protection as to making sure that this rezoning is used for the intended purpose that the petitioner indicated.

Mr. Taormina: Yes, it offers some protection, but it is no guarantee.

Mr. Wilshaw: Sure. Okay. Thank you. Is there anyone else in our audience wishing to speak on this item? If not, is there anyone on the Commission wishing to speak on this item?

Mr. Bongero: Mark, just so I understand, a planned residential agreement, is that something that we would do tonight?

Mr. Taormina: No. That is something that we would do along with the waiver petition.

Mr. Bongero: Okay. So, it would be down the road?

Mr. Taormina: Yes, it would.

Mr. Bongero: Okay, thank you.

Mr. Wilshaw: Thank you, Mr. Bongero. Any other questions from any of our commissioners? Mr. Fakhri, is there anything else you would like to say I regard to this petition before we make our decision? We always like to give you the last word.

Mr. Fakhri: Nothing further. I just want to thank you for your time and hope that you guys approve the rezoning of this little parcel. Thank you.

Mr. Wilshaw: Thank you, sir. If there is no other business or questions from any of the commissioners, I can close the public hearing at this time and a motion would be in order.

On a motion by McCue, seconded by Caramagno, and unanimously adopted, it was

#01-04-2022 **RESOLVED**, That pursuant to a Public Hearing having been held by the City Planning Commission on January 25, 2022, on Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C. pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest ¼ of Section 36, from RUF (Rural Urban Farm) to C-1 (Local Business), the Planning Commission does hereby recommend to the City Council that Petition 2021-12-01-11 be approved for the following reasons:

1. That the proposed change of zoning is compatible to and in harmony with the surrounding land uses and zoning districts in the area.
2. That the proposed change of zoning is consistent with the developing character of the area.
3. That the proposed change of zoning represents a reasonable and logical zoning plan for the subject property which adheres to the principles of sound land use planning.
4. That the proposed change of zoning affects only a small portion of the property and will bring the subject parcel under a single zoning classification, and
5. That the proposed change of zoning is consistent with the Livonia Vision 21 Future Land Use Map.

FURTHER RESOLVED, That notice of the above hearing was given in accordance with the provisions of Section 13.13 and 13.15 of Livonia Vision 21 Zoning Ordinance.

Mr. Wilshaw: Is there any discussion?

Mr. Wilshaw, Chairman, declared the motion is carried and the foregoing resolution adopted. It will go on to City Council with an approving resolution.

**PUBLIC HEARING
DIRECTION**

WEDNESDAY, FEBRUARY 23, 2022

PETITION 2021-11-01-08 submitted by Schoolcraft College, pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone property at 17950 College Parkway (Formerly Unit 15 of College Park Condominium), located on the east side of Haggerty Road between Six Mile and Seven Mile Roads in the Southwest ¼ of Section 7, from C-1, Local Business to P-L, Public Lands.

DIRECTION: 1) APPROVING

PETITION 2021-11-01-09 submitted by Schoolcraft College, pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone the property at 17420 College Parkway (Unit 11 of College Park Condominium), located on the east side of Haggerty Road between Six Mile and Seven Mile Roads in the Southwest ¼ of Section 7 from C-4, High Rise Commercial to P-L, Public Lands.

DIRECTION: 1) APPROVING

PETITION 2021-11-01-10 submitted by Schoolcraft College, pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone property at 13001 Merriman Road, located on the west side of Merriman Road, between Glendale Avenue and Schoolcraft Road in the Northeast ¼ of Section 27, from M-2, General Manufacturing to P-L, Public Lands.

DIRECTION: 1) APPROVING

PETITION 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C., pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest ¼ of Section 36 from RUF, Rural Urban Farm to C-1, Local Business.

**DIRECTION: 1) DENYING
2) APPROVING**

**THESE ITEMS ARE TO BE PLACED ON THE AGENDA FOR THE
REGULAR MEETING OF MARCH 14, 2022**



LETTER TO THE LIVONIA CITY COUNCIL

23.

Planning
February 24, 2022

MEETING DATE

Public Hearing of
February 23, 2022

PREPARED BY

Brenda Smyser, Program Supervisor,

AGENDA ITEM

REZONING PETITION: Planning Commission, re: Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C., to rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest $\frac{1}{4}$ of Section 36, from RUF (Rural Urban Farm) to C-1 (Local Business).
Public Hearing held on February 23, 2022.

BACKGROUND

RECOMMENDATION

At the 1,182nd Public Hearing and Regular Meeting held by the City Planning Commission on January 25, 2021, the following resolution was unanimously adopted:

#01-04-2022 RESOLVED, That pursuant to a Public Hearing having been held by the City Planning Commission on January 25, 2022, on Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C. pursuant to Sections 13.13 and 13.15 of the Livonia Vision 21 Zoning Ordinance, requesting to rezone the east fifty-eight feet (58') of 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest $\frac{1}{4}$ of Section 36, from RUF (Rural Urban Farm) to C-1 (Local Business), the Planning Commission does hereby recommend to the City Council that Petition 2021-12-01-11 be approved for the following reasons:

1. That the proposed change of zoning is compatible to and in harmony with the surrounding land uses and zoning districts in the area.
2. That the proposed change of zoning is consistent with the developing character of the area.
3. That the proposed change of zoning represents a reasonable and logical zoning plan for the subject property which adheres to the principles of sound land use planning.
4. That the proposed change of zoning affects only a small portion of the property and will bring the subject parcel under a single zoning classification, and
5. That the proposed change of zoning is consistent with the Livonia Vision 21 Future Land Use Map.

FURTHER RESOLVED, That notice of the above hearing was given in accordance with the provisions of Section 13.13 and 13.15 of Livonia Vision 21 Zoning Ordinance.

FISCAL CONSIDERATION

N/A

ATTACHMENTS

1. PH022322 Petition 2021-11-01-11 (Maple Real Estate Group) Minutes
2. 2021-12-01-11_Maple Real Estate_E-COUNCIL Pkt
3. PH022322 Petition 2021-12-01-11 (Maple Real Estate Group)
4. PH022322 Petition 2021-12-01-11(Maple Real Estate Group) Legal Notice
5. DIRECTION 2021-11-01-11

APPROVED BY

Paul Bernier, City Attorney

Date:

Maureen Miller Brosnan, Mayor

Date:

THE GRANDON
APARTMENT COMMUNITY - LIVONIA, MICHIGAN

MAPLE REAL ESTATE GROUP
16030 Michigan Avenue, Suite 200, Dearborn Michigan 48126
Ph: (313) 846-6300 Fax: (313) 846-6358

March 13, 2022

City of Livonia
c/o Respected Council Members
33000 Civic Center Drive
Livonia, MI 48154

Sent Via Electronic Mail

Re: The Grandon –
Apartment Community,
9106 Middlebelt Rd., Livonia, Michigan

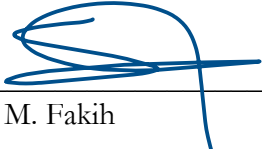
Dear Respected Council Members,

On behalf of The Maple Real Estate Group, thank you for taking time to consider our current project for 9106 Middlebelt Rd, near Grandon Street (the “Property”). After our last meeting, we were asked to provide a list of real estate projects which our group was involved in developing. We submit the attached list for your review and consideration. We feel that we have great experience in development, construction, marketing, and completion of projects. We have overseen numerous, complex projects from proposal, to groundbreaking, to completion.

Again, we are thankful for your consideration and hope that this is the start of a strong partnership between our company and the City of Livonia. Should you have any additional questions or concerns regarding our project, please do not hesitate to contact us at your convenience. You may contact me directly at (313) 477-9777. Your attention to this matter is appreciated and we look forward to addressing any and all other outstanding concerns you may have.

Sincerely Yours,

The Maple Real Estate Group



Sam M. Fakh

New Development Projects – Finished and/or Under Construction

- **1031 Mason St, Dearborn, Mi 48124- Downtown West Dearborn**
Four-Story mixed retail and residential loft apartments in West Dearborn. Project is near completion.
- **Wagner West Apartments- 1265 Monroe St., Dearborn, MI 48124- Downtown West Dearborn**
90 Unit studio apartment complex- Project is in Permitting stage
- **Shopping Center 4171 Old Canton Center Rd, Canton MI**
Renovated Shopping Center, tenants include State Farm Insurance, Liberty Tax, Northland Hearing Center.
- **Shopping Center 10401-10413 Ford Road, Dearborn**
Developed from ground-up 15,000 sq ft Shopping Center, tenants include Buff's Pizza, Nova Dental, and Lobster Pitstop
- **Muirehead Place- Downtown West Dearborn**
22370 Michigan Ave, Dearborn
Developing 33,000 Sq Ft Mixed Retail/Office- Project is near completion
- **Red Cross Building-Riverview**
14031 Pennsylvania Rd., Riverview Mi-
Re-Developed 10,500 Sq ft building for Red Cross + Beaumont Sleep Center + Edward Jones
- **Tim Horton's Café- East Dearborn**
10401 Ford Rd, Dearborn, MI 48126
Developed from ground-up 3000 sq ft Tim Horton's Café with Drive-Thru

- Tim Horton's Café- West Dearborn**
 24921 Ford Rd, Dearborn, MI 48128
 Developed from ground-up 2200 sq ft Tim Horton's Café with Drive-Thru
- Tim Horton's Café- East Dearborn/Detroit**
 7285 Greenfield Rd, Detroit, MI 4822824921
 Developed from ground-up 2200 sq ft Tim Horton's Café with Drive-Thru
- Sonic Drive-In- Dearborn**
 10403 Ford Rd, Dearborn, MI 48126
 Developed from ground-up 3200 sq ft Sonic Drive-In Café with Drive-Thru
- Caesars Coney & Grill Building- Dearborn**
 22445 Ford Rd, Dearborn MI
 Developed 4,500 Sq Ft Building in to a Coney Island to house Caesars Coney & Grill
- DMC Sports Medicine- Dearborn**
 23823 Ford Rd., Dearborn, Michigan
 Developed 8,000 Sq Ft Orthopedic Medical Center to house DMC Sports Medicine
- 22332 Garrison St, Dearborn, MI 48124**
 Renovated historic house to retail currently home of Eternal Ink.
- 13823 Michigan Ave., Dearborn**
 Renovated 3500 Sq Ft Restaurant
- Fitness Center 22126 Ford Rd.,**
 22126 Ford Dearborn Heights, MI 48127
 Renovated vacant building to a 3300 sq ft fitness center
- Office Lofts at 16030 Michigan, Dearborn**
 Renovated vacant building to 5 office suites

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.

THE CITY OF LIVONIA ORDAINS:

Section 1. Pursuant to the report of the City Planning Commission, dated January 25, 2021, recommending approval of Petition 2021-12-01-11, having been considered by the Council, and the Council having conducted a public hearing on February 23, 2022, on said petition, and having concurred in the recommendation of the City Planning Commission, the Council hereby adopts said Petition 2021-12-01-11 to amend the Zoning Ordinance and Zoning Map of the City of Livonia and all proceedings heretofore conducted on said petition are hereby approved.

Section 2. Section 13.15 of the Livonia Vision 21 Zoning Ordinance, is hereby amended by adding thereto the following section:

Section 3. Petition 2021-12-01-11 submitted by Maple Real Estate Group, L.L.C., is hereby approved, and the zoning classification of the premises hereinafter described is hereby changed from RUF (Rural Urban Farms) to C-1 (Local Business):

Land situated in the City of Livonia, County of Wayne, State of Michigan described as follows:

PARCEL 1

The West 58 feet of Lot 68 and Lot 107, except the East 227.00 feet, Newman Joy Subdivision, as recorded in Liber 66, Page 19 of Plats, Wayne County Records.

PARCEL 2

Lot 106, Newman Joy Subdivision, as recorded in Liber 66, Page 19 of Plats, Wayne County Records.

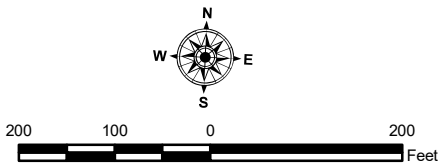
and the Southwest 1/4 of Section 36 of the Zoning Map is hereby amended to conform to the changes made in this section.

Proposed Zoning Ordinance Amendment
Petition 2021-12-01-11 - p 2

Section 4. The attached map designated “Amendment No. ____ to the Zoning Map of the City of Livonia” showing all of the amendments and changes made in the foregoing Section 2 of this ordinance is hereby approved, established and made a part hereof.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 6. Should any portion of this ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions of this ordinance.

[illegible]

PETITION NO. 2021-12-01-11
A PART OF THE S.W. 1/4 OF SECTION 36

A map showing the intersection of Joy Road and Plymouth Road. A red dot marks the location of the property, with a black arrow pointing to it from the number 36. The map shows a grid of streets including Middlebelt Road, Inkster Road, and Joy Road.

MAYOR
CLERK



LETTER TO THE LIVONIA CITY COUNCIL

12.

Planning
July 6, 2022

MEETING DATE

R082222

PREPARED BY

Sara Kasprowicz, Council Office Manager,

AGENDA ITEM

WAIVER PETITION: Appeal of the denial of the Planning Commission regarding Petition 2021-12-02-27 submitted by Maple Real Estate Group, L.L.C. requesting special waiver use approval to develop a Planned Residential Development consisting of an apartment complex made up of three (3) buildings and twenty-four (24) dwelling units, on the properties at 9106 and 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest ¼ of Section 36.

Public Hearing held on Monday, July 18, 2022

BACKGROUND

May 26, 2022

Honorable Members of the City Council
City of Livonia, Michigan

Re: Petition 2021-12-02-27 - Maple Real Estate Group, L.L.C

Dear Council Members:

At the 1,187th Public Hearings and Regular Meeting held by the City Planning Commission on May 17, 2022, the following was:

RECOMMENDATION

RESOLVED, That pursuant to a Public Hearing having been held by the City Planning Commission on May 17, 2022, on Petition 2021-12-02-27, submitted by Maple Real Estate Group, L.L.C. requesting special waiver use approval to develop a Planned Residential Development pursuant to Section 5.02 of the Livonia Vision 21 Zoning Ordinance, consisting of an apartment complex made up of three (3) buildings and twenty-four (24) dwelling units, on the properties at 9106 and 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest ¼ of Section 36, the Planning Commission does hereby recommend to the City Council that Petition 2021-12-02-27 be approved subject to the following conditions:

1. That Site Plan, identified as drawing 1, dated May 9, 2022, as revised, prepared by Edwards Group International, Inc. is hereby approved and shall be adhered to.

2. That the Landscape Plan, identified as drawing OF, dated May 10, 2022 prepared by Edwards Group International, Inc. is hereby approved in concept, except that a final plan prepared by a registered landscape architect shall be submitted to the Planning Department for approval prior to any construction, said plan shall include a continuous row of evergreen trees along the north and east property lines where the site abuts any single-family properties, and shall properly identify all proposed plants according to species, size and numbers.
3. That all disturbed lawn areas, including road rights-of-way, shall be sodded in lieu of hydroseeding.
4. That underground sprinklers are to be provided for all landscaped and sodded areas and all planted materials shall be installed to the satisfaction of the Inspection Department and thereafter permanently maintained in a healthy condition.
5. All parking spaces, except the required handicapped spaces, shall be doubled striped at ten feet (10') wide by twenty feet (20') in length as required.
6. That the Exterior Building Elevation Plans, identified as drawings 5 and 6, dated October 12, 2021, prepared by Edwards Group International, Inc. are hereby approved and shall be adhered to.
7. That the maximum height of any pole-mounted light fixtures shall be sixteen feet (16') and shall be located and shielded to prevent light trespass and glare on adjacent properties.
8. That the exterior walls of the trash enclosures shall be constructed out of the same brick used in the construction of the buildings, and the enclosure gates shall consist of solid panel steel or durable, long-lasting solid panel fiberglass.
9. That the Petitioner shall work in cooperation with the abutting residential property owners to avoid the issue of double-fencing along the subject site's property lines.
10. That the issues as outlined in the correspondence dated May 9, 2022, from the Fire Marshal, including the recommended width and vertical clearance of the roadway and the placement of fire hydrants, shall be resolved to the satisfaction of the Department of Public Safety, Livonia Fire and Rescue.
11. That this site shall meet either the City of Livonia or the Wayne County Storm Water Management Ordinance, whichever applies, and the developer shall secure any required permits, including storm water management permits, wetlands permits and soil erosion and sedimentation control permits.
12. The developer and all contractors and subcontractors shall employ best management practices to prevent, reduce and mitigate the problems associated with soil erosion and airborne dirt and dust from migrating off-site, including provisions for erosion control barriers, daily street sweeping, watering, and halting earthwork activities on days when the wind conditions are likely to cause a problem.
13. That only a conforming entrance marker is approved with this petition, and any additional

signage shall be separately submitted for review and approval by the Zoning Board of Appeals.

14. That all required cash deposits, certified checks, irrevocable bank letters of credit and/or surety bonds shall be deposited with the City prior to the issuance of engineering permits; and

15. 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 a building permit is obtained, this approval shall be null and void at the expiration of said period.

FURTHER RESOLVED, That notice of the above hearing was given in accordance with the provisions of Section 13.13 of Livonia Vision 21 Zoning Ordinance.

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

AYES: Caramagno, Smiley, McCue

NAYS: Bongero, Long, Wilshaw.

Chairman Wilshaw declared the resolution failed due to lack of a majority.

FISCAL CONSIDERATION

ATTACHMENTS

1. PH071822 Petition 2021-12-02-27 (Maple Real Estate) Minutes
2. LTC PH 07182022 - 2021-12-02-27 Maple Real Estate Group
3. 2021-12-02-27_Maple Real Estate_E-COUNCIL Pkt

APPROVED BY

**PUBLIC HEARING
DIRECTION**

MONDAY, JULY 18, 2022

PETITION 2021-12-02-27 Appeal of the denial of the Planning Commission, regarding Petition 2021-12-02-27, submitted by Maple Real Estate Group, L.L.C., requesting special waiver use approval to develop a Planned Residential Development consisting of an apartment complex made up of three (3) buildings and twenty-four (24) dwelling units, on the properties at 9106 and 9120 Middlebelt Road, located on the east side of Middlebelt between Joy Road and West Chicago Avenue in the Southwest $\frac{1}{4}$ of Section 36.

DIRECTION:

- 1) DENYING**
- 2) APPROVING**
- 3) COMMITTEE OF THE WHOLE**

PETITION 2022-03-02-10 Appeal of the denial of the Planning Commission, regarding Petition 2021-03-02-10, submitted by Excellerated Towing & Recovery requesting waiver use approval to operate a vehicle tow yard at 12780 Wayne Road, located on the east side of Wayne Road just south of Schoolcraft Road in the Northwest $\frac{1}{4}$ of Section 28.

DIRECTION:

- 1) DENYING**

**THESE ITEMS ARE TO BE PLACED ON THE AGENDA FOR THE
REGULAR MEETING OF AUGUST 8, 2022**

**CITY OF LIVONIA
PUBLIC HEARING**

Minutes of Meeting Held on Monday, July 18, 2022

A Public Hearing of the Council of the City of Livonia was held at the Livonia City Hall Auditorium on **Monday, July 18, 2022.**

MEMBERS PRESENT: Jim Jolly, President
 Laura Toy, Vice President

Scott Bahr
Rob Donovic
Kathleen McIntyre
Scott Morgan

MEMBERS ABSENT: Brandon McCullough

OTHERS PRESENT: Paul Bernier, Assistant City Attorney
 Mark Taormina, Planning and Economic Development Director

The Public Hearing was called to order at 7:00 p.m. with President Jim Jolly presiding. This item is regarding an appeal of the denial of the Planning Commission regarding Petition 2021-12-02-27 submitted by Maple Real Estate Group, L.L.C. requesting special waiver use approval to develop a Planned Residential Development consisting of an apartment complex made up of three (3) buildings and twenty-four (24) dwelling units, on the properties at 9106 and 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest ¼ of Section 36.

This item will move to the Regular Meeting of **August 8, 2022.**

The Public Hearing is now open. There were 3 persons in the audience.

Jolly: We will go to Mark Taormina, our Planning and Economic Development Director to give us a brief description of what this is in regard to.

Taormina: Thank you, Mr. President. Again, this is a request to develop a plan residential development that would consist of an apartment complex made up of three buildings and 24 units. The property in question is located on the east side of Middlebelt, just south of Grandon. The property is 1.45 acres in size, with 100 feet of frontage on Middlebelt Road. The property is currently divided into two zoning classifications, C-1, Local Business and R-U-F, Rural Urban Farm. The R-U-F portion of the property is in the process of being changed to C-1. City Council gave first reading to that rezoning on April 4. The site plan shows three apartment buildings, each building would contain eight units for a total of 24 units. Building number one is located towards the front portion of the

site. Building number two would occupy the rear including the small R-U-F district, that is in the process of being rezoned, and then building number three is located between buildings number one and two along the south side of the property. There would be a two-way private street from Middlebelt that would provide access to all three buildings. Parking is distributed throughout the site available in the front and the sides of all three buildings. The plan shows a total of 42 parking spaces, which represents a ratio of 1.75 spaces per unit. All three apartment buildings are identical in size, shape, and design. The buildings would be two stories in height and contain four apartments on each floor. Each unit would have two bedrooms, a living, dining area kitchen, one and a half baths and a walk-in closet. All units would be approximately 813 square feet in area. The gross floor area per building total 7,130 square feet, and each building would have a footprint area of about 3,774 feet. The combined total floor area of all three buildings would be 21,390 square feet, which represents a usable floor area in percentage of live area or floor area ratio of roughly 34%. Building height would be roughly 29 feet from grade to roof peak and as you can see from the site plan, there are a network of sidewalks that are shown around the buildings as well as the parking areas. Looking at the design of the buildings themselves, they would be constructed out of brick with stone accents the roofs would be peaked and would consist of asphalt shingles. Fiber cement siding would be used on the gable ends of the apartment buildings. To the north and the east and south are single family homes. Zone N-1 and R-U-F. The lots along Grandon Avenue measure about 62 feet by 113 feet and consists mostly of ranch style homes with detached garages. Buildings number one and two at their closest point would be roughly 20 feet and 30 feet from the rear lot lines, respectively. The plan proposes to separate the residential district from the apartment complex with a six-foot-high vinyl flat fence and plantings to the south are homes that are part of the Newport Park condominium development. The Livonia Vision Master Plan designates the subject property as medium density residential. This corresponds to a density of roughly 5 to 14 dwelling units per acre, with 24 units on 1.45 acres. The proposed multifamily housing development would have an overall density of 16 and a half dwelling units per acre. This is slightly more than what the Master Plan recommends by approximately four units. Planning Commission held a public hearing on this item on May 17. They failed to reach a unanimous decision on the on the petition and hence it was denied and as a reason for the appeal this evening. So, with that Mr. President, I will answer any questions you may have.

Jolly: Thank you sir. At this time, I'll call up the petitioner if there is anything you'd like to address at this time, please go to the podium and identify yourself.

Fakih: Good evening, my name is Sam Fakih. My address at 16030 Michigan Avenue Suite 200 Dearborn, Michigan. I am one of the partners and one of the developers of a company called Maple Real Estate Investment, which has this property under contract which has submitted this application. If I may continue. First, I want to thank you for the opportunity and the time that you've given me to present this project to you. This is a special project for me. We've

been going at it for close to close to a year now. We have had numerous meetings with the Planning Commission, between rezoning meetings, public meetings, as well as non-public meetings, discussion sessions, and we, I can stand in front of you today and say that we've listened and I think, with confidence, I can say that we probably addressed every single concern that has been raised in those numerous meetings. I would say, more than 10 meetings. The latest revisions that we've made, we have moved one of the buildings, the one to the rear, and I think it's building number two, we've moved that away from the property line to increase, the distance between that building and the homes on Grandon Street. At this point, with that being about maybe 20, I think 25 or 27 feet, to the property line and another 50 feet to the resident to the residences on Grandon, you have about safely about 80 feet from the building to the to the first residents on Grandon. We also changed the plans to have a six-foot fence, vinyl fencing all the way around, which encompasses and creates privacy. Not only did we do that, we also we also changed the plans so we can have evergreen trees. These are meant for privacy they are 10 to 12 feet in height that when planted. In years they grow sometimes to 15 to 20 feet in height. In discussing this subject matter with our architect, he's confident that complete sight line between any windows and our property and any windows in the ranch homes on Grandon, there is no direct sight line. So, that would give complete privacy when you have a 10 to 12-foot tree there with the heights of the windows in our property and the heights of the windows in the ground and residences along the side of Grandon. Not only did we massively change the landscaping to increase privacy, we have also moved the dumpsters away from the property line. We also lessened the parking and put more landscaping, just to make the property prettier. Lastly, I think I may have covered the last three or four changes that we did for the plans. So, with that being said, I stand here and I'm very excited to present this project and ask that you consider it and hopefully you will get your approval.

Jolly: Okay, thank you very much, sir. I'm going to correct something just very quickly. We have not had any nonpublic meetings in regard to this matter of the Council, the Planning Commission or the Zoning Board of Appeals. You may have met with individuals or other entities. So, there were no official nonpublic meetings.

Fakih: Let me correct myself, I meant to say study sessions.

Jolly: Thank you very much sir. At this, is there anyone from the Council who would like to, Mr. Bahr.

Bahr: Thank you Mr. Chair. Through the Chair to Mark, when you made that comment, did you say four units more than the Master Plan, you're talking about density and about more units on the property than what the Master Plan would suggest or maybe help me figure out what it was.

Taormina: That's precisely it. So, the Master Plan has a suggestion relative to density. It's a guide and in the Master Plan, it recommends between 5 and 14 dwelling units per acre. In this case, we're looking at 16 and a half, so it's a slight increase over what is recommended.

Bahr: Ok so the Master Plan looked at this originally as a commercial property, right?

Taormina: Originally, that is correct. I'm not sure I'd have to go back, take a look at the prior versions of the Master Plan to see when it changed from non-residential to residential. The current Master Plan does show this as medium density residential.

Bahr: Then I had a question for the petitioner. Just in reviewing the planning commission notes, there was a potential issue with double fencing, you know, with existing fences that are here along the perimeter. Have you had a chance to talk to neighbors or have a plan for how we can potentially avoid that?

Fakih: I have not, but we are here and committed to this project with making everybody and all our neighbors happy. So, my suggestion would be, and we are willing to knock on every door and say, "Would you like us to remove your chain link fence and keep our six-foot vinyl fence?" If the answer is yes, we would pick that up and remove their fence. We are even willing to not place our vinyl fencing and put a gap in our fence if somebody doesn't want a six-foot vinyl fence and they'll still have the privacy because we're going to have the evergreens there. So, either we're willing to work with every neighbor, whether to remove the vinyl fence and put a gap or remove their fencing, or if they want to, if they prefer to keep both fences, that's fine too. I mean, we're committed to being good neighbors. So, whatever it takes, we will do.

Bahr: All right. Thank you.

Donovic: Mr. President.

Jolly: Mr. Donovic.

Donovic: Thank you, Mr. President. Thank you for you for being here tonight, sir. Thanks for wanting to invest in the city of Livonia and thank you to all the residents for being here as well. I have a few questions. One, I did want to touch base on the double fencing. As I was watching the Planning Commission, I know that was a topic that came up. So, you are just saying to clarify, that you would, at your expense, remove after talking to the residents, you would remove the chain link fence and then you erect the vinyl fencing? Correct?

Fakih: Absolutely. We have plans for vinyl fencing, but we're willing to put a gap if somebody has an issue with that vinyl fence if they don't want to vinyl fence.

Donovic: Thank you. I do realize that there is a double fencing in the city of Livonia, otherwise you'd have to have the ZBA, and I do appreciate that you would fix that because I don't want to see double fencing. Unfortunately, a resident doesn't want to move their chain link fence. I hope they wouldn't, because I think that if this was to pass that a nice vinyl fence would be a lot more aesthetically pleasing and just better for grass and weeds or whatnot. My question to add was, in regard to lampposts and others' lampposts around the perimeter, because it seems like there's a sidewalk around the entire development in the back corner, it would be the Northeast corner, is a pavilion of some sort of I believe?

Fakih: We wanted a sense of community. So, what we did is we did a walkway all around the project, as long as we put a gazebo in that corner. So, it's just a sense of community. If somebody wants to walk around the neighborhood, they could. There are a few benches, beautiful landscaping, so that's just a walkway with a gazebo in the back.

Donovic: Okay and those lampposts. Do you plan to make sure that you don't have any kind of light pollution that goes into neighbor's backyards? I know you talked about the big trees that those take years to grow. What kind of shielding and whatnot for those lampposts?

Fakih: I believe we discussed the lampposts early on with I think the building or planning department. We do have specs on those lampposts. The architect is here. He may be able to answer some questions, but we do have it in the package, in terms of the specs on the actual light posts.

Donovic: Okay, thank you and I will say, I like that the trash cans are moved. I don't want to see a dumpster enclosure. I remember the original plan was abutting to one of the properties along Oxbow side. I'm pleased to see those removed. I like the retention ponds. Another question, what is your take on what our Master Plan recommends, a certain amount of density, with you being four units over that 20 number? I'm not necessarily stuck on that, but I would like to understand kind of the idea behind that. Do you have to have 4 over or is there any discussion there?

Fakih: Sure, I think my answer to that is maybe twofold. One is, I mean, we're building a nice looking complex, three million probably. We're estimating costs of three to three and a half million dollars. Little bit over a million for each building. Why we're doing it, would have been higher end, nicer finishes. Why we're trying to attract a little bit more professionals, college graduates, or maybe somebody that's, that's retired and doesn't want to take care of their lawns. So, the from a cost basis, that extra four units helps cover those expenses, when you're rebuilding a three to three and a half million-dollar project. Now, can we slim it down to 20? We could, but that would require us to go down to two buildings and it would probably require us to make longer buildings. We wanted smaller buildings that look like a colonial home and that's what these buildings look like. It's a 3,700 square foot building for each

building. It looks like a 3,700 square foot home. So, if we slim it down by four and make the buildings longer, it will start looking more of an apartment building rather than someone who's more of a regular quality of home. So, that's why we chose to continue on with having three buildings, scattered them around to make it a community scene, and stick with the four units. We didn't think that four units was too overly, we thought that four units was still okay. Especially, when it's a recommendation by the Livonia Master Plan. It's not an ordinance or a law that requires that anymore.

Donovic: Ok, thank you sir, I appreciate that.

Toy: Mr. President.

Jolly: Miss Toy.

Toy: Thank you, Mr. President, if I may to the petitioner. Sir, you've alluded several times about how you want to be a friendly neighbor, but yet you never have even contacted the neighbors. I find that a little peculiar, that you haven't even made an attempt to go to them. You've had at least two meetings with the planning commission. Am I correct on that?

Fakih: Absolutely.

Toy: Okay. And they denied you. What, twice now?

Fakih: I don't know that I, we were denied twice. I think the last vote in front of the Planning Commission was a tie, which was to have the effect of a denial and that's why we're here. So, every time I've made a meeting and neighbors show up, I've taken the time to speak with every neighbor that's here and I've taken the time to address every issue that they have raised in those meetings. So, to answer your question, although I have not knocked on doors, I have spoken with every neighbor that has come out and any concerns that they've raised, whether publicly or through discussions with them personally, we have addressed.

Toy: How many would you say that was sir, about?

Fakih: Speaking with individual residents, at least three or four.

Toy: Three or four. How many people live in the area that surround your site that you're proposing sir, would you guess?

Fakih: Live in the area?

Toy: Where you're proposing sir, around the area where the residential is.

Fakih: Probably about nine.

Toy: Nine people live in that area? Alrighty, and I guess my other question would be, why apartments? Why not condos? That was asked of me as a Council person in the city. That's why I'm asking you as a petitioner.

Fakih: I guess why not apartments?

Toy: Sir, answer my question.

Fakih: Sure, I'll answer the question. In terms of cost-wise with the cost of construction, if you are to build condos on that site, they would cost an amount that you would not be able to sell it in the open market in that area. We did a study and that's what it shows. So, in terms of apartments, it made sense and made sense as an investment. Obviously, it made sense to develop a piece of land that's been sitting there, really vacant, for now probably 20-30 years. It's an oddly shaped piece of land and it's hard to develop commercial property on there. We thought it was a nice idea and we thought we'd put out a beautiful project that benefits the neighborhood. It's something that's nice, that's new, that's brick, that's stone and I think it not only complement, it improves the area, the surrounding areas.

Toy: Then what will your rents be around, sir?

Fakih: Rents are going to be \$1750 to \$1950.

Toy: You think you'll get that?

Fakih: Absolutely.

Toy: Okay. The reason I asked that is because we have another proposal just down the street from you, but yet we just developed some nice-looking homes in that area as well, and I think that, you know, the taxpayers in that area have been there an awful long time. That's an older part of our community and, quite frankly, I kind of like open areas a little bit. We have a beautiful park down there at Clement Circle as well, with a pool. People enjoy that living. I appreciate you trying to invest some money in this community, but I'm troubled by the fact, two things. You haven't really talked to the neighborhood about it yet and perhaps you'll do that by the time we vote on this. Also, sir, the vinyl fence bothers me. I haven't seen a lot of vinyl fences in Livonia, with commercial, even a greenbelt there would be very nice, and I know you're going to put some vegetation in there, I read that as well, sir. So, I appreciate your investment and your enthusiasm for our city, but I would hope you've carried that over.

Fakih: Thank you, I appreciate the comments.

Jolly: Any other comments, Ms. McIntyre.

McIntyre: Through the through the Chair to the Petitioner please. One of the issues that concerns me is, Sergeant Sczepanski had some concerns about limited parking, and I wanted to ask you, and maybe Mark, and that is concerning to me. We know that we have problems, whether it's a commercial site, or apartment homes, if there's not sufficient parking, and he indicated that he has some concerns about the limited number of parking relative to the number of units. So, how many parking spots, I didn't count? How many parking spots per unit? So, total units, 24 and how many parking spots?

Fakih: We originally had 2 per unit. So, we had 48 and I think when we increased the landscaping and rearranged the buildings to distance them from the neighboring residents, I think we lost three, am I correct, Mark?

Taormina: It went from 48 to 42, so 6.

McIntyre: 48 to 42 so we lost six. I am concerned if there's not sufficient parking for two vehicles per unit. I understand that not every unit is going to have two occupants, but you have visitors, right, you have guests, and that parking situation is concerning to me. I do appreciate the changes that you've made to increase the greenbelt and move things around a little bit to pull back from the property lines, but I am concerned about that.

Fakih: Sure, the trend is that a lot of city parking requirements are a lot more stringent than what it should be.

McIntyre: Excuse me, you're not going to get anywhere with me on this topic. Well, I'm just telling you, commercial is one thing, okay, and we know that the data indicates that parking requirements for commercial probably needs to be re-examined, residential, I don't think that there's data there that indicates that there's a decrease in the need for parking like there is commensurate with commercial or anything else.

Fakih: I believe we could address that by taking out one of the dumpsters and having two dumpsters and more pickups and more parking. So, if the, if that is an issue that needs to be addressed, I think we could do it. I don't think that there are requirements for having three dumpsters on this property. We just put it, just because we said let's put a dumpster for each building, but we could go down to two dumpsters and have more pickups and increased parking if need to.

Jolly: Okay if there's nothing else from the Council.

Donovic: Mr. President?

Jolly: Yes, sir.

Donovic: Thank you, Mr. President, to Mr. Taormina. What is the parking requirement then? I know that originally, he had the 48, now it's down to 42 to provide

more landscaping to shift that building number two away from the residential outlines. Is it within the ordinance for the parking spaces?

Taormina: So, the ordinance recommends two spaces per dwelling unit, but it also allows us to look at alternative standards. In particular, the Institute of Traffic Engineers Parking Generation manual. So, in referencing those standards, there's a 95% confidence interval that parking for these types of smaller rental projects, they can park as low as 1.16, or 1.26 parking spaces per unit. So, we're above that level at 1.75. We felt comfortable that the 1.75 would be adequate, but as was indicated, if it's something that Council is concerned with, they probably could make an adjustment and add a few more spaces in a manner that would not adversely impact the residents.

Donovic: Just a comment from me, I'd prefer to not lose trash cans. I think the more availability, accessibility to dumpster enclosures for residents, I think is a lot better for the success of this development and for the success of the surrounding community, as opposed to adding a few more parking spots. However, if you would maybe find some availability for parking spots, and not losing green space, the nice landscaping, but I just had comments. Thank you, Mr. Chair.

Jolly: Okay, thank you. So, Mr. Petitioner, if you don't mind, please have a seat. At this time, I'm going to open up the hearing to public comments, as the petitioner, even though the comments will be directed towards me. A lot of these comments, I'm sure, will pose questions or concerns of the residents. I ask that you take notes and I'll leave you an opportunity at the end to address comments that you wish to address, okay? With that being said, anybody who's here to address the Council, in regard to this project, from the public, now's your opportunity to do so. If you would like to do so, please approach the podium on this side of the room and you have three minutes to address the Council at this time. Good evening, please tell me your name and address please.

S. Matusz: Sarah Matusz, I live at 29197 Grandon, first house, right there. And I just, I've been here for 45 years. I love the neighborhood. It's been good to us, but I would have never moved here if I thought it was going to be right next to apartment buildings. I just don't feel that people are going to take care of it that well, as if you own it. And I don't see where all this parking is going to be a big problem, I do see it, I'm sorry, because what if you have visitors? You're not even having two parking spots for one of the units. So, people, two people two cars, where they are going to park? So, this is my son.

G. Matusz: Yeah, hi, I'm Glen Matusz. I'm Sarah's son and I grew up in that property actually, and I am here to help out today, to express my mother's concerns for this development. What I did notice when he was showing the plan is that I didn't see any changes from the first time to this time. You made it sound like there was change or improvements made between the last meeting that you had and today. From the picture that I take, from last-time's meeting, it

didn't seem like there were any changes at all. So, it looks like the identical plan that was presented last time, that was denied. It was said multiple times that there's an excess of the density of the persons per square, the amount of people that are living on a property is already exceeding what's allowed. So, gives me a little bit of concern that it would even be considered in that case, but yet, it is. Parking is probably, as my mom's stated, is probably one of the worst issues I can see. You say 42 spaces, but I was sitting there listening. I'm thinking, well, some of those spaces are probably handicapped spaces. So, I can't see those would be used, you know. In the wintertime, where's the snow going to go? So that's going to consume some of the spaces, and if there's visitors, of course, you know, where are they going to end up parking? Right up and down Grandon, and there's really no other street to park on. So, you know, that just adds to the, what I think the overcrowding problem is probably going to happen on this property. The fence, it's a little disappointing that the developer didn't come to the homeowners to discuss the fencing with them. It was mentioned the vinyl fence, you know, talking in the parking lot with some of the other residents in the area. Sounded like they would prefer something a little more permanent, that a little long lasting. The lifespan of a vinyl fence, you know, what is that? It's not durable, right? It maybe lasts 10 years. We would certainly like to know if there's any information about the lifespan of the fence and should there be a problem with the fence, who's going to address it? What else?

S. Matusz: Well, the condos right next door, he said the area didn't support the condos but there's condos right there. Right next door to it, there are condos.

G. Matusz: Let's see what else. What other problems did we have with this? The standoff distance, my mother lives to the closest building on the property and it was estimated that it was about 20 feet to the property, actually is less than 20 feet to her property line. I thought there was a rule that it can't be less than 20 feet? We're kind of already bending, it seems like every rule in the book, just to kind of force this on this little piece of property. The buildings look nice.

Jolly: I'm going to stop you sir; you did your three minutes. Just for the record, I did start the timer over when you started. Are there any other neighbors or people from the public who have comments, at this time? If you plan on making comments, I would ask that you move to the side of the room so that you're ready to go. If you plan on addressing anything, please be on the side, for time's sake. Good evening, ma'am. Tell me your name and address please.

Rowlands: Hi, I am Felicity Rowlands. I live at 9081 Newport right in the condominiums. We weren't able, my fiancé' and I, weren't able to make it for the last meeting. We were sick with COVID. So, when I saw the appeal come forward, we definitely wanted to be here today. I didn't decide to speak until I was able to hear the petitioner. So, I know you talked about the light pollution and the windows, and everything was referred to, as the homes, well the condos are two stories. So, what is the light pollution going to be for us? Right? The second thing is, is there's a lot of wooded area in between us and that lot.

There's a lot of wildlife that lives in there and it looked to me in the plan that most of those trees are going to be torn down. And why not condos? I agree with that. It keeps the value of our property. As far as the chain link fences are concerned, are they only going to offer to put the backside of the vinyl fence up, or are they going to put all the sides for the neighbors on Grandon? So, they're going to have chain links on the side and a big vinyl fence on the back? I would be concerned with that if I were them. Look, I lived there for six years. I love being there. I don't plan on going anywhere anytime soon, but the last thing I want to see is a vinyl fence between myself and apartment buildings. It's going to decrease the value of my property when it comes to resale value. There's definitely more than nine people that live in that area. We would see five buildings along with just the condos, and that's not even the whole complex. Not once has anybody came to talk to us to find out how we feel, to your point, and I appreciate and respect that. I just don't feel as though that apartments is the right fit for that location. Thank you.

Jolly: Anybody else with public comments? Good evening, sir. Your name address please.

D. Shekell: Good evening, my name is Don Shekell. I live at 29161 Grandon. A number of concerns with this whole project. I've been living there on this street for 66 years and open space behind us. The reference about moving out of the buildings away from the lot line. Ours is very close, he said he moved out there, how many people on feet that they moved it?

Jolly: This is not a question-and-answer period, sir. So please make your comments.

D. Shekell: Okay, it's too close, I don't care, you can put up the vinyl fencing, it's six feet. I got people in my neighborhood that are taller than six foot and you can see right over. You talked about putting in pine trees. It's going to take a long time for those pine trees to grow and the other thing about pine trees, is that you can see right in between. You got the buildings are going to be two stories right behind us. There's no privacy. They are talking about, oh, they don't have windows to see us. I can see out my window, what do I get to see, a brick wall from an apartment complex? I don't want to see that. The other issue I have with this whole thing was, everything got changed in the zoning to the C-1. Okay, the reason for the change in the C-1 was what? So, you could use all the waivers to put in more units that would be allowed in that area, less parking for a number of people. What is it, two-bedroom apartments? Okay, the two-bedroom apartments allows so many people to live in each apartment. So, I referenced the project they are trying to develop over on Plymouth Road, and there's a lot of issues with that. One of the things was the neighborhood is how it went in. Building those apartments would adversely affect our neighborhood, which it will, it's going to affect just a sampling with what we have to look around there, our property values, it's going to affect it. And I think as residents, the longtime residents of the city, I think we need a little more respect to that. One thing that I find very

interesting, the Planning Commission, when they were going for that the complex on Plymouth Road, it was denied. Part of the reason that it was denied because of the adverse effect of the neighborhood. The buildings didn't match the neighborhood homes, and all that, and I found that it was designed for a number of reasons, but definitely is that it didn't meet the look on your 21, whatever you guys want to call it, specs. And for a lot of the reasons, it was denied.

Jolly: Thank you, sir. That's your three minutes.

D. Shekell: Okay, I have one last comment.

Jolly: You're all set sir. The rules on the meeting allow for three minutes per person. If there's anybody else from the public that would like to speak at this time?

K. Shekell: My name is Karen Shekell. I live at 29165 Grandon. Sorry, we're just going to finish this up because we did this as a group venture, so here we go. Big concern of putting in such a large complex and maybe people don't think that's big, but you shove into that tiny little piece of land. It's too big. It's too much. It's too close.

Jolly: We can't do this during the meeting. We can't have two people talking.

K. Shekell: It's a concern. We have concerns, we don't want anybody that close. We don't want the noise level that's going to be there. We agree. Apartments are not a good fit, not a good fit. You want to throw some condos in there. I'd be happy if the city of Livonia just bought a piece of land. It doesn't cost that much for the city, and let it stay green. We don't have that much green space around us. Good gosh, let's take every tiny little piece on the south side Livonia and develop it into what, apartments? No, no, we have a problem with it. So, thank you very much.

Jolly: Thank you. Is there anybody else from the public? Going once. You've got about a minute left.

K. Shekell: My husband John talked to so many people in our neighborhood. People said they were going to write letters. Some people said they would come. I don't know if many letters got to you, but I know a lot of people email them to City Council and the Mayor. So, I'm hoping you've got those, and I thought maybe they would be read today.

Jolly: Just for your awareness. We don't read people's emails and meetings like that, within the purview of the Council. We did receive some emails, in regard to this project. At this time, any last public comments? Going once, going twice. Public comments are now closed on this matter. I will ask the petitioner to come back up to the podium. Sir, if you wish, please address any concerns that were raised by the residents at this time.

Fakih: I want to thank all the residents who are coming out and I will try to address it. A lot of the concerns of the residents, I have heard them in the past, and we've tried to address them. In terms of density, I think we've discussed it at this at this session, as well as other sessions. We don't believe that we're violating or overly, there's a rule or an ordinance that that has that density that we have violated, it was a recommendation, and we don't think that we're that overly over that recommendation. In terms of the vinyl fencing and last thing, obviously, any vinyl fencing that we would install, we would maintain and replace as needed. So, we don't have an issue with, it's our fence. So, we would maintain that and replace it. We don't have any issue with writing that down and working with all the homeowners. With regards to maintaining the property, we're trying to build something nice. In doing so we've done all the landscaping, it's 24 units, it's three buildings. I believe, I kept on hearing that we're trying to jam this into such a small piece of property. I guess, you know, my thought is that it's not jamming a lot of buildings in a small piece of property. We thought we did a nice job of designing it. It really has probably very low, if not zero impact, on the neighborhood, because we have an exit and entrance off of Middlebelt. So, you don't have residents of the complex that are driving in the streets on Grandon or anywhere else, because they are entering and exiting the complex off Middlebelt. With regards to the mature trees between the condos and the complex, we don't have any plans of taking any trees. There's, I think a lot of the mature trees are on the condo property. So, in terms of, I don't know if that shows it, but there's a lot of mature trees on the condo property, as well as some of the mature trees that we're keeping. I think it shows in the landscaping plan that we've cut the few as well. So, I think there's still a lot of trees that would, I guess, keep that privacy between the condos next door and our property. Light pollution, again, I think we've addressed it in the light poles. I don't think that our light poles are that high, but obviously, if it means that we have to put some guards, if it bothers the neighbors, we could put guards so where they shine only in one direction to not, I guess, be a nuisance to the neighbors. Lastly, we do have a management company, and we're probably going to hire a local management company. We've done business with a few that are from Livonia, and we're planning on hiring of a Livonia management company for two reasons. One, it's close. Two, usually what these management companies do, they come onto the property, we have a schedule, come out to the property, different times of the day, do a walkthrough of the common areas, make sure that there's no trash and everything's in place. If there are any issues with the property, they will address it. That's what they're there for. They have contractors, they have maintenance people. We want to build and maintain something nice. We're not coming in here and dumping three and a half million dollars and walking away from this property. We want to maintain this property, so we can charge the rents that we need to charge for us to be successful in this project, and we can't do that if you don't maintain your property. We have brand new buildings, and we're going to maintain those buildings for us to attract the market that we are looking to attract. We're trying to attract millennials. That's what Livonia speaks for. Millennials, which are 25 to 41 years old. These are young professionals. These are people that are

starting out that may not qualify for a home or may not want to get into a commitment of a home, and they want to rent. I rented out of college. There's nothing wrong with having, renting, and there's nothing wrong with people that are renting. I feel like there's a lot of, I guess, negative comments that apartments are going to bring values down. Well, I mean, how do we know that? We have a brand-new project, a nice complex that's fully enclosed, and we are going after young professionals and people that that want to have a nice community, while living in Livonia and take advantage of what Livonia has to offer. So, I welcome the opportunity to continue with this project and hopefully, we can persuade you to approve it.

Toy: Mr. Chair?

Jolly: Miss Toy.

Toy: Part of the reason Livonia has been so successful is because it's been built by the families that live here and the businesses that thrive here. This area you're proposing, sir, you're forgetting you're four units over here, as well, according to our zoning laws, there have been your eight cars less as well. I'm having a problem with this and I'm sure you can tell that. I've lived here since the 50s. I grew up, in that part of Livonia, when we first moved here. I know that area. I know Livonia. This doesn't belong in that area. It really doesn't sir, it's too packed. If you were to bring us two buildings, with a lot of landscaping, and maybe another ingress and egress out on Middlebelt Road, I'd be clapping for you, but this just is very tight, sir. So, I'm going to offer a denying resolution on this. Thank you for coming to Livonia, but I want to keep it very nice. Thank you.

Fakih: May I respond?

Jolly: At this time, I'm going to look for direction from the Council. Mr. Bahr.

Bahr: I do have a few questions for the petitioner. You mentioned earlier, just with the question of whether condos would make sense here, and you said you looked at it. First of all, I understand the uniqueness of the shape of this property and the challenges that that presents to you, and I can see why you're looking at this with that. I can understand the economics you're dealing with, but if we were to look at this, this is a hypothetical to make a point, if this property would be developed with the property to the south where the condos currently are, it's not hard to envision a continuous street through there, that's an extension of those current condos. I'm not an architect, but it's not hard to envision what that might look like. Is that something that you guys looked at, as to whether there could be something of this piece of property that we essentially extend?

Fakih: The simple answer to that is no. We did not look for any extensions, we just looked at the project itself, and in terms of cost of construction, you know, in terms of building code...

- Bahr: You don't have to go any further, because, actually, I'm looking at one view of it, but looking at the view that Mark put up there, it's not difficult to see challenges you would be facing, so don't even bother, I put my question back.
- Fakih: I wanted to point out that the condo is next door. I mean, the buildings are really next to each other, and I wonder, and I'm pretty sure that the density for that project is...
- Bahr: Obviously, it's in your best interest to let that question go right now. The other question I have for you is, those condos on Newport Way are two story, did you, by chance, know you weren't prepped with this question, but if you, by chance, know how height of your proposed buildings compare to the condo buildings that are currently there?
- Fakih: I think they're very comparable, if not the same. I mean, I believe ours is 29 feet, and I'm pretty, Ron, do you know?
- Unknown: Yeah, I don't know.
- Fakih: Are they comparable in terms of height here?
- Bahr: Okay, I can see. I know what my assumptions are based on, what I would assume that they're comparable, then the next question I have is in response to concerns Councilwoman Toy expressed about the density. The one building on your proposal here today has the most potential and I know the measures you're taking to eliminate the sightlines and I've seen enough of these projects to understand that, but is the building, what's the one South or outside of the northeast corner of that building?
- Taormina: Two.
- Bahr: Building two, have you considered making that a one-story building? Which would I believe take you down to the density that's required and eliminate any concerns about building sightlines to nearby neighborhoods?
- Fakih: I did not consider taking it to a one-story building. Again, in terms of just the project, when you're developing a project, especially with all of the funding that we're doing with landscaping and everything else to prep the site, so it just made sense with the 24 unit. I do want to say it again that I, you know, I was under the impression that it's a recommendation by the Master Plan. It's not. So had there been a requirement of certain density or a requirement that it be certain units we would have tried...
- Bahr: You're not wrong for proposing a two story. I mean, we're having a discussion here. So yeah, that's it on that. So I'll just say, obviously, I understand the resident's concerns with this and just, if for no other reason, than the aesthetics of backing up to what's right now a fairly wooded lot, I can understand Councilmembers probably say this, but that house where I grew

up, had a field that we played in behind it for years, and it was developed into a neighborhood so I can get that. It's with any of these types of things there's always take seriously what the residents want. You also have to look at the fact that somebody owns this property too, and we can't just blanket statement, say, you need to keep this green space. I mean, there's property rights with the people that own this too. So, we have to consider what's being proposed. When you consider the fact that this property is currently zoned commercial, and I'm looking at, you know, a potential commercial property there versus this, particularly with the measures that have been taken with the changes that have been made, and there have been changes made because I've got the plans that were from the Planning Commission in front of us here, so I can see those changes. I do think that this is a potentially very nice development for that area. I honestly in balancing those things, have things before us and through us, I know Councilwoman Toy put a denying on this, and this is not because I plan to vote this way, but I'd like to offer improving for consideration. So, we have an approving and denying on the table when this goes in public meeting, and we'll have time between now and then to weigh factors in your vote. Thanks, Mr. Chair.

Jolly: Thank you.

Donovic: Mr. President.

McIntyre: I think Ms. McIntyre, Mr. Donovic.

Donovic: Thank you Councilwoman McIntyre. A couple of quick comments. I know that to the south, there's a 40-foot easement in between this property and the condos. So, I'm not sure how many trees sit on that easement currently. And then in terms of elevation, I'm assuming with the roof pitches, and just common residential building codes, those elevations should be similar, but that would be nice if we could figure out that answer to see what the elevation of the condos to the south and your proposal will be. I know you mentioned it's about 29 feet from the peak. I do hope that you would consider, and this is just something to think about, and I do understand the concerns about vinyl fences and their long-term maintenance. It would be nice to consider some sort of masonry wall however, I think that might be an issue, because I've had some conversations where there's also easements. So, you may not even be able to do some sort of masonry wall along the perimeter, because there are certain easements in terms of footings whether or not you can go so deep in the ground, so that would be nice to look into that. But I do think even when I talk about it, that might not be a possibility. I look forward to further discussions about this. Thank you and thank you to the residents and Petitioner points, thank you Mr. Chair.

Jolly: Ms. McIntyre.

McIntyre: Thank you, Mr. Chair. I appreciated all of the comments and concerns about this development. One of the things that we hear a lot is, why doesn't the city

buy this and turn it into parkland. Livonia has 1,400 acres of parkland and extensive recreational facilities. In fact, we have some little park green spaces here and there that it's not feasible for us to maintain. So, it's not in the City's economic best interest to buy up odd parcels of land and turn them into greenspace, because the tax dollars then have to pay for that and maintain it, etcetera, etcetera. Nobody ever likes development next to their houses, none of us would like it, but to Mr. Bahr's point, this is privately-owned property that is zoned commercial, and C-1 allows for retail establishments. I don't think that anyone would be in favor of a strip mall, I'm guessing, adjacent to your property either. I do think that the developer, there was additional opportunity to engage the residents beforehand with some discussions and hearing their concerns. I appreciate that you've responded. I would like to offer, we have an approving and a denying, I would like to offer a resolution for putting this into Committee of the Whole which would give us an opportunity to talk to the developer and residents at the same time and push these questions a little bit with further detail.

Jolly: Thank you Ms. McIntyre. So, at this time, we have three motions on the floor for consideration at the next voting meeting where this will come out. I'm not sure if we have a date for that just yet. It probably will not be the next regular meeting, but the meeting following that. We have a denying, an approving, and a Committee of the Whole. One, or probably one of those, or potentially more than one of those will be voted on at the next meeting, and that will be the direction of the council going forward. So, at this time, we appreciate the residents and the petitioner coming out this evening, giving us your perspectives and helping us to understand the situation a bit better. At this time, I will close public hearing number one.

As there were no further questions or comments, the Public Hearing was declared closed at 8:01 p.m.



LETTER TO THE LIVONIA CITY COUNCIL

1.

Planning
May 26, 2022

MEETING DATE

Public Hearing of
July 18, 2022

PREPARED BY

Stephanie Reece, Program Supervisor,

AGENDA ITEM

Appeal of the denial of the Planning Commission regarding Petition 2021-12-02-27 submitted by Maple Real Estate Group, L.L.C. requesting special waiver use approval to develop a Planned Residential Development consisting of an apartment complex made up of three (3) buildings and twenty-four (24) dwelling units, on the properties at 9106 and 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest ¼ of Section 36.

BACKGROUND

May 26, 2022

Honorable Members of the City Council
City of Livonia, Michigan

Re: Petition 2021-12-02-27 - Maple Real Estate Group, L.L.C

Dear Council Members:

At the 1,187th Public Hearings and Regular Meeting held by the City Planning Commission on May 17, 2022, the following was:

RECOMMENDATION

RESOLVED, That pursuant to a Public Hearing having been held by the City Planning Commission on May 17, 2022, on Petition 2021-12-02-27, submitted by Maple Real Estate Group, L.L.C. requesting special waiver use approval to develop a Planned Residential Development pursuant to Section 5.02 of the Livonia Vision 21 Zoning Ordinance, consisting of an apartment complex made up of three (3) buildings and twenty-four (24) dwelling units, on the properties at 9106 and 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest ¼ of Section 36, the Planning Commission does hereby recommend to the City Council that Petition 2021-12-02-27 be approved subject to the following conditions:

1. That Site Plan, identified as drawing 1, dated May 9, 2022, as revised, prepared by Edwards Group International, Inc. is hereby approved and shall be adhered to.
2. That the Landscape Plan, identified as drawing OF, dated May 10, 2022 prepared by Edwards

Group International, Inc. is hereby approved in concept, except that a final plan prepared by a registered landscape architect shall be submitted to the Planning Department for approval prior to any construction, said plan shall include a continuous row of evergreen trees along the north and east property lines where the site abuts any single-family properties, and shall properly identify all proposed plants according to species, size and numbers.

3. That all disturbed lawn areas, including road rights-of-way, shall be sodded in lieu of hydroseeding.
4. That underground sprinklers are to be provided for all landscaped and sodded areas and all planted materials shall be installed to the satisfaction of the Inspection Department and thereafter permanently maintained in a healthy condition.
5. All parking spaces, except the required handicapped spaces, shall be doubled striped at ten feet (10') wide by twenty feet (20') in length as required.
6. That the Exterior Building Elevation Plans, identified as drawings 5 and 6, dated October 12, 2021, prepared by Edwards Group International, Inc. are hereby approved and shall be adhered to.
7. That the maximum height of any pole-mounted light fixtures shall be sixteen feet (16') and shall be located and shielded to prevent light trespass and glare on adjacent properties.
8. That the exterior walls of the trash enclosures shall be constructed out of the same brick used in the construction of the buildings, and the enclosure gates shall consist of solid panel steel or durable, long-lasting solid panel fiberglass.
9. That the Petitioner shall work in cooperation with the abutting residential property owners to avoid the issue of double-fencing along the subject site's property lines.
10. That the issues as outlined in the correspondence dated May 9, 2022, from the Fire Marshal, including the recommended width and vertical clearance of the roadway and the placement of fire hydrants, shall be resolved to the satisfaction of the Department of Public Safety, Livonia Fire and Rescue.
11. That this site shall meet either the City of Livonia or the Wayne County Storm Water Management Ordinance, whichever applies, and the developer shall secure any required permits, including storm water management permits, wetlands permits and soil erosion and sedimentation control permits.
12. The developer and all contractors and subcontractors shall employ best management practices to prevent, reduce and mitigate the problems associated with soil erosion and airborne dirt and dust from migrating off-site, including provisions for erosion control barriers, daily street sweeping, watering, and halting earthwork activities on days when the wind conditions are likely to cause a problem.
13. That only a conforming entrance marker is approved with this petition, and any additional signage shall be separately submitted for review and approval by the Zoning Board of Appeals.

14. That all required cash deposits, certified checks, irrevocable bank letters of credit and/or surety bonds shall be deposited with the City prior to the issuance of engineering permits; and

15. 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 a building permit is obtained, this approval shall be null and void at the expiration of said period.

FURTHER RESOLVED, That notice of the above hearing was given in accordance with the provisions of Section 13.13 of Livonia Vision 21 Zoning Ordinance.

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

AYES: Caramagno, Smiley, McCue

NAYS: Bongero, Long, Wilshaw.

Chairman Wilshaw declared the resolution failed due to lack of a majority.

FISCAL CONSIDERATION

ATTACHMENTS

1. 2021-12-02-27_Maple Real Estate_E-COUNCIL Pkt

APPROVED BY



Date: May 26, 2022

Mark Taormina, Planning and Economic Development Director



Date: June 22, 2022

Maureen Miller Brosnan, Mayor

Petition 2021-12-02-27 submitted by Maple Real Estate Group, L.L.C. requesting special waiver use approval to develop a Planned Residential Development pursuant to Section 5.02 of the Livonia Vision 21 zoning Ordinance, as amended, consisting of an apartment complex made up of three (3) buildings and twenty-four (24) dwelling units, on the properties at 106 and 120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest of Section 36.

THE GRANDON
APARTMENT COMMUNITY - LIVONIA, MICHIGAN

MAPLE REAL ESTATE GROUP
16030 Michigan Avenue, Suite 200, Dearborn Michigan 48126
Ph: (313) 846-6300 Fax: (313) 846-6358

May 20, 2022

Livonia City Council
c/o Livonia City Clerk
33000 Civic Center Drive
Livonia, Michigan 48154-3097

*Sent Via First Class USPS Mail
And By Personal Delivery*

Re: *Appeal to City Council
Petition 2021-12-02-27 – Maple Real Estate Group, LLC*

Dear Respected Livonia City Council Members,

On behalf of The Maple Real Estate Group, thank you for taking time to consider our current project for 9106 Middlebelt Rd, near Grandon Street (the "Property"). In accordance with Section 13.13(10) of the Livonia Vision 21 Zoning Ordinance, please let this letter serve as Maple Real Estate Group, LLC's appeal to City Council. Maple Real Estate Group, LLC requests that City Council review the proposed plan and requested waiver and ultimately reverse the conclusion of the Planning Commission and adopt the proposed resolution.

On or May 17, 2022 at the 1,187th Public Hearing and Regular Meeting held by the City Planning Commission, an approving resolution was offered regarding the above-referenced Petition. The roll call resulted in Three (3) Ayes and Three (3) Nays between the present and voting Commissioners.¹ The Commissioners appeared to discuss the possibility of changes to the proposal that would break the tie, but no progress was made. Ultimately, Chairman Wilshaw declared that the resolution failed due a lack of majority in favor of the resolution. A copy of the City Planning Commission's May 18, 2022 Notice, including the proposed resolution, is enclosed for your convenience and review.

Please let this letter serve as our request for an appeal to the City Council in accordance with Section 13.13(10) of the Livonia Vision 21 Zoning Ordinance. Pursuant to that Section, please also find the appropriate appeal fee in the amount of \$400.00. Should you have any questions or concerns regarding this correspondence, please do not hesitate to contact our office.

Sincerely Yours,
FAKIH & ASSOCIATES, PLLC

Sam M. Fakih

¹ Commissioner Ventura abstained due to conflict of interest.

RECEIVED
MAY 23 2022
CITY OF LIVONIA
PLANNING COMMISSION

RECEIVED
OFFICE OF THE CITY CLERK
2022 MAY 20 PM 15:30

Encl:

- May 18, 2022 Correspondence and Proposed Resolution
- Check No. 1980 in the amount of \$400

CITY OF LIVONIA, MICHIGAN
APPLICATION FOR WAIVER USE APPROVAL

All applications must be presented in triplicate to the City Clerk, 33000 Civic Center Drive, Livonia, MI 48154-3097. Applications **must** include property owner's name, address and notarized signature.

Filing fee = \$600.00 plus \$20.00 for each 1,000 sq. ft. of gross floor area of new construction.

Date Filed: 12-14-2021 Petition 2021-12-02-27

Site Address: 9106 Middlebelt Rd Sidwell 46-143-01-0068-00546-143-01-0106-000 Zoning of Property C2

Requesting Approval To Form-Based Development Option in Commercial District

Applicant: Sam Fakih Business/Company: Maple Real Estate Group, LLC

Applicant's Address: 16030 Michigan Ave, Suite 200 City: Dearborn State: MI Zip Code: 48126

Applicant's Phone # (313) 477-9777 Applicant's Email sfakih@fakihlaw.com

Contact Person: Sam Fakih Business/Company: Maple Real Estate Group, LLC

Contact's Address: 16030 Michigan Ave, Suite 200 City: Dearborn State: MI Zip Code: 48126

Contact's Phone # (313) 477-9777 Contact's Email sfakih@fakihlaw.com

Please provide the following information:

- 1) **Site Plan** showing:
 - property dimensions, including road right-of-way & building setback lines
 - foot print of building(s), including dimensions & square footage
 - all easements, protective walls, sidewalks & existing trees
 - any significant topographic features (existing or proposed)
 - parking layout, including type of surface material, sizes of spaces & aisles
 - method used in calculating parking requirement
 - location of light standards servicing parking lot & cutout showing type & height
 - location of trash receptacle, including description of screening
 - location of signs
- 2) **Detailed Landscape Plan** including:
 - listing or labeling of all planted materials as to type and size
 - areas to be fully irrigated
 - percentage of landscaping provided (15% of total site required)
- 3) **Building Elevation Plan** depicting:
 - architectural quality
 - wall section & detail plan - exterior building materials must be labeled (i.e. brick, thin brick, E.F.I.S.)
 - all visible rooftop mechanical equipment and how they will be screened
- 4) **General Floor Plan** showing:
 - floor layout
 - entrances & exits
 - restaurants are required to illustrate seating arrangement & capacity
- 5) **One (1) set of reduced plans** (i.e. site, landscape, elevation, floor), **a maximum 14" x 17" in size, or digital file in a .pdf format either on CD or emailed to smiller@ci.livonia.mi.us**
- 6) **Legal Description** of the property to be considered (**Clearly Printed**)
- 7) **Three (3) completed application forms & three (3) sets of full-size drawings**

2021 DEC 14 AM 9:14

RECEIVED
OFFICE OF THE CITY CLERK

RECEIVED
DEC 14 2021
CITY OF LIVONIA
PLANNING COMMISSION

You are invited and encouraged to review your proposal with the Planning Department staff. Only one set of preliminary drawings will be necessary for this analysis.

FEE COMPUTATION	<u>21,390</u> sq. ft. of new construction x \$20.00 per 1,000 sq. ft.	\$600.00
	(NOTE: Round off to nearest 1,000)	<u>420</u>
	Total Amount Due	\$ <u>4,020.00</u>

Owner of Property: Ventura Real Estate, LLC

Owner's Address: 26555 Evergreen City: Southfield State: MI Zip Code: 48076

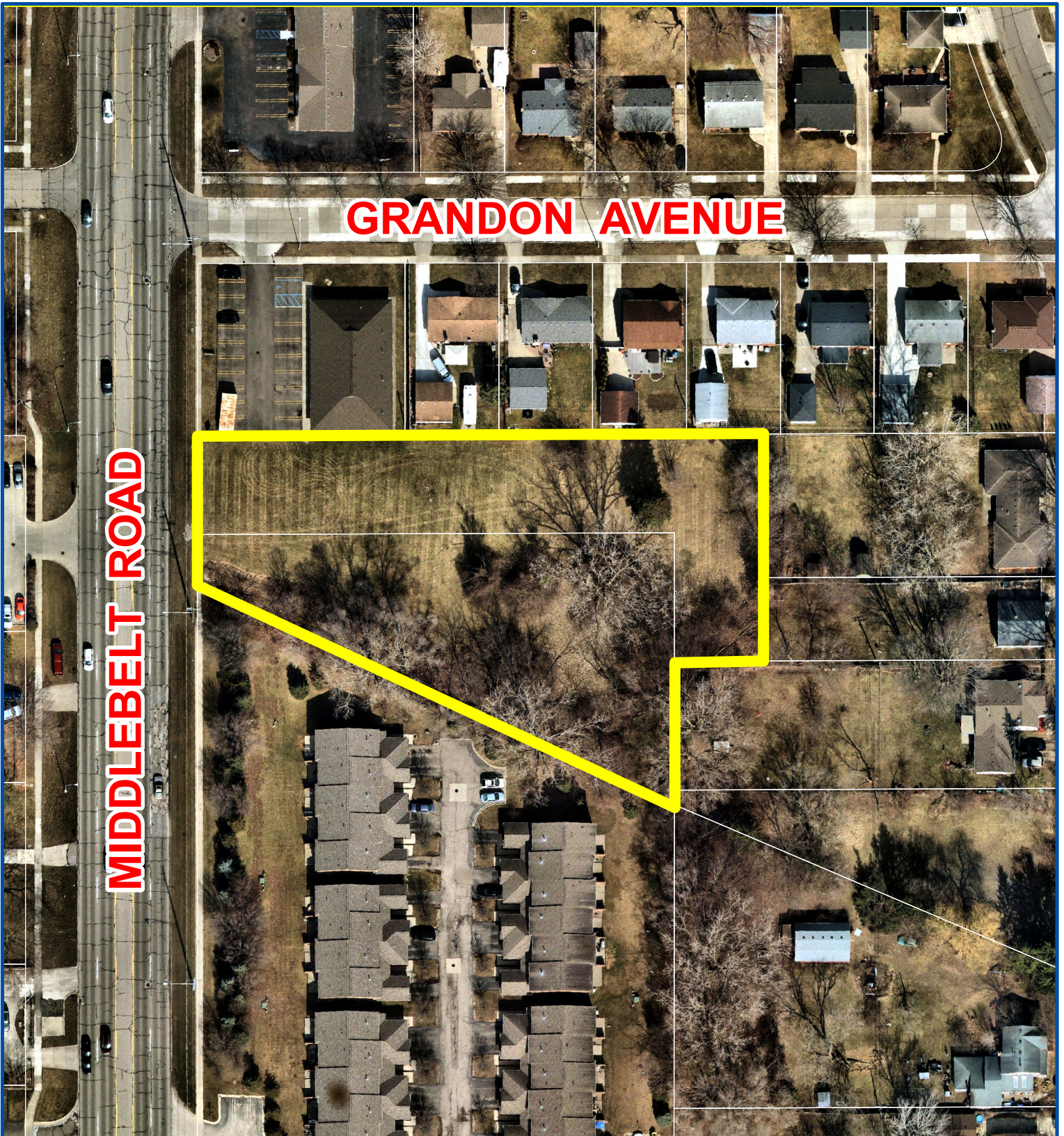
Owner's Phone # (734) 751-5600 Owner's Email peter@pacommercial.com

Signature of Owner: Peter Ventura Print Name: Peter Ventura

Subscribed and sworn to before me, a Notary Public in and for the County of Wayne State of Michigan

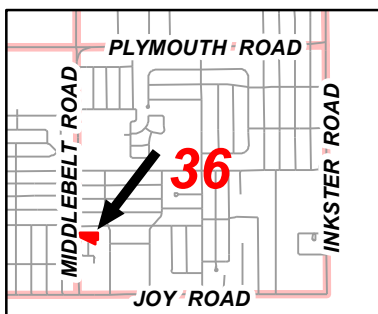
on this 9th day of December 20 21

Signature of Notary Sam Mc Nally My commission expires 5/8/2023



GRANDON AVENUE

MIDDLEBELT ROAD



Aerial Map

Petitions 2021-12-02-27
Maple Real Estate Group
9106 & 9120 Middlebelt Road
apartment development



Not to Scale



City of Livonia
Planning Department

PLANNING COMMISSION STAFF NOTES

PUBLIC HEARING

ITEM 1

Petition 2021-12-02-27 submitted by Maple Real Estate Group, L.L.C. requesting special waiver use approval to develop a Planned Residential Development pursuant to Section 5.02 of the Livonia Vision 21 Zoning Ordinance, as amended, consisting of an apartment complex made up of three (3) buildings and twenty-four (24) dwelling units, on the properties at 9106 and 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest $\frac{1}{4}$ of Section 36.

May 10, 2022: Study Meeting:

This petition requests special waiver use approval for a Planned Residential Development (PRD) pursuant to Section 5.02 of Livonia Vision 21 Zoning Ordinance. The subject site consists of two (2) adjacent parcels comprising a total developable land area of 63,307 square feet, or 1.45 acres. The site has 100 feet of Middlebelt Road frontage. The property is currently divided into two (2) zoning classifications: C-1 (Local Business) and RUF (Rural Urban Farm). The RUF portion is in the process of being changed to C-1, with City Council giving First Reading on April 4, 2022. Second Reading and Roll Call, the final steps in the rezoning process, are on hold pending a review of the special waiver use and site plan. The proposal is to develop a multifamily apartment complex.

Section 5.02 of the Livonia Vision 21 Zoning Ordinance provides special standards for Planned Residential Developments which are treated as a waiver use in commercial districts, subject to review and approval by the Planning Commission and City Council. Planned Developments are afforded considerable design flexibility, including modifications in lot sizes and yard requirements. In addition, uses not permitted in the zoning district are allowed when it is determined that such modifications will result in a more efficient use of land and will not be injurious to surrounding land and to the public. Planned Developments under Section 5.02 are intended to help overcome natural and other unique obstacles or constraints that pose challenges to land development under conventional design standards. Final determination is based on the following standards as set forth in Section 5.02(4):

- a) The proposed use or uses shall be of such location, size, and character as to be in harmony with the appropriate and orderly development of the zoning district in which situated and shall not be detrimental to the orderly development of adjacent zoning districts.
- b) The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it, shall be such that traffic to and from the use or uses, and the assembly of persons in connection therewith, will not be hazardous or inconvenient to the neighborhood nor conflict with the normal

PUBLIC HEARING

ITEM 1 Petition 2021-12-02-27 – 9106 & 9120 Middlebelt Road Page 2

traffic of the neighborhood. In applying this standard, the Commission shall consider, among other things: convenient routes for pedestrian traffic, particularly of children; the relationship of the proposed project to main traffic thoroughfares and to street and road intersections; and the general character and intensity of the existing and potential development of the neighborhood. In addition, where appropriate, the Commission shall determine that noise, vibration, odor, light, glare, heat, electromagnetic or radioactive radiation, or other external effects, from any source whatsoever which relates to the proposed use, will not have a detrimental effect upon neighboring property or the neighboring area in general.

- c) The location and height of buildings, the location and nature and height of walls and fences, and the nature and extent of landscaping of the site shall be such that they will not hinder or discourage the proper development and use of adjacent land and buildings nor impair the value thereof.
- d) The standards of density and required open space in the proposed project are at least equal to those required by this Ordinance in the zoning district in which the proposed project is to be located.

The proposed site layout is the same that was presented with the rezoning application. It shows a multifamily apartment complex made up of three (3) buildings, containing eight (8) units per building, for a total of twenty-four (24) dwelling units. Building #1 is located towards the front part of the site. Building #2 would occupy the rear, including the small RUF district proposed to be rezoned. And Building #3 is located between Buildings #1 and #2 along the south side of the property. A two-way private road from Middlebelt Road would provide access to all three (3) buildings. Parking is distributed throughout the site, available in the front and sides of all three (3) buildings. The plan shows a total of forty-eight (48) parking spaces which meets the ordinance requirement of two (2) spaces per unit.

All three (3) apartment buildings are identical in size, shape and design. The buildings would be two stories in height and contain eight (8) units, four (4) on each floor. Each unit would have two (2) bedrooms, a living/dining area, kitchen, one and half baths, and a walk-in closet. According to the site data, the gross floor area per building totals 7,130 square feet and each building would have a footprint area of 3,774 square feet. The combined total floor area of all three (3) buildings equals 21,390 square feet, which represents a Usable Floor Area in Percentage of Lot Area of 34%. For comparison purposes, the maximum floor area ratio allowed in the NM2 District is 35%. Building height would total 29'-1" from grade to roof peak. A network of internal sidewalks is shown around the buildings and parking areas, including along the north side of the property.

PUBLIC HEARING

ITEM 1 Petition 2021-12-02-27 – 9106 & 9120 Middlebelt Road Page 3

The buildings would be constructed out of brick with stone accents. The roofs would be peaked consisting of asphalt shingles. Fiber cement siding would be used on the gable ends of the apartment buildings.

Abutting the property to the north, east and south are single-family homes zoned N1 (Neighborhood Single Family) and RUF. Bordering the north side of the property are four (4) homes zoned N1 that are part of the Pearl Wilson Subdivision. The lots along this side of Grandon Avenue all measure approximately 62' x 113' and consist of ranch-style homes with detached garages. Buildings #1 and #2, at the closest points from the rear lot lines of the homes along Grandon, would be set back twenty feet (20'). The plan proposes to separate the N1 District from the multi-family development with a six foot (6') high masonry screen wall. The proposed wall would run along the entire north property line. To the east and partially to the south, are RUF-zoned homes on acreage parcels fronting along the west side of Oxbow Avenue. Generally, these homes are located approximately 140 - 145 feet from the west boundary of the subject parcel. The plan does not specify the type of fencing that would be used to separate the development from the adjacent RUF District. Also to the south is Newport Park, a residential condominium zoned NM1 (Multifamily Residential). This 27-unit attached condominium was approved in 2001 under the R-C, Condominium Residential district regulations of the former Zoning Ordinance No. 543, as amended.

The landscape plan submitted with the application shows approximately twenty-six (26) existing trees being retained on the site, mostly along the east and south property lines. The species and sizes of these existing trees is not specified. Additional ornamental trees would be planted, including Blackshaw viburnum and Common witch hazel. In staff's opinion, the landscape plan lacks variety, both in terms of the types and sizes of plant material. The landscape plan should be supplemented with full-size deciduous and evergreen trees, particularly along the north and west sides of the property adjacent to the single-family districts, as well as around the apartment buildings.

The Livonia Vision 21 (LV21) Future Land Use map designates the subject property as *Medium Density Residential*, which corresponds to a density of between 5 to 14 dwelling units per acre. With twenty-four (24) units on 1.45 total acres, the proposed multifamily housing development would have an overall density of 16.5 dwelling units per acre, which is slightly more (4 units) than what the Master Plan recommends. Additionally, the proposed development plan shows all (100%) of the units as attached, whereas the Master Plan recommends that attached dwelling units should not represent more than 35% of all dwelling units. In comparison, Newport Park to the south, which is zoned NM1 and designated as Medium Density Residential on the Future Land Use Map, contains twenty-seven (27) units on 2.94 acres, representing a density of 9.18 dwelling units per acre, with 92.6% of the units being attached.

May 17, 2022: Public Hearing:

At the Study Meeting, the Petitioner presented a revised concept site plan showing a slightly different orientation for Building #2, as well as a modified parking layout. The Planning Commission indicated its preference for the new plan and instructed the Petitioner to provide additional buffering adjacent to the single-family residential districts in the form of a six foot (6') high privacy fence and a continuous row of evergreen trees. The consensus of the Planning Commission is that the loss of a few parking spaces in favor of additional landscape buffering would be better. This is supported by the fact that if the resulting amount of available parking approximates 1.75 spaces per apartment dwelling unit (versus the 2.0 spaces per unit as shown on the original plan), this is still substantially more than the 95% confidence interval of 1.16 – 1.26 spaces peak period parking demand per multifamily housing dwelling unit as determined in the latest edition of the Parking Generation Manual prepared by the Institute of Traffic Engineers.

Approving Resolution: That the request to develop a Planned Residential Development, consisting of an apartment complex, on the properties at 9106 and 9120 Middlebelt Road is hereby approved, subject to City Council approval and the following conditions:

1. That Site Plan, identified as drawing 1, dated May 9, 2022, as revised, prepared by Edwards Group International, Inc. is hereby approved and shall be adhered to.
2. That the Landscape Plan, identified as drawing OF, dated May 10, 2022 prepared by Edwards Group International, Inc. is hereby approved in concept, except that a final plan prepared by a registered landscape architect shall be submitted to the Planning Department for approval prior to any construction, said plan shall include a continuous row of evergreen trees along the north and east property lines where the site abuts any single-family properties, and shall properly identify all proposed plants according to species, size and numbers.
3. That all disturbed lawn areas, including road rights-of-way, shall be sodded in lieu of hydroseeding.
4. That underground sprinklers are to be provided for all landscaped and sodded areas and all planted materials shall be installed to the satisfaction of the Inspection Department and thereafter permanently maintained in a healthy condition.

PUBLIC HEARING

ITEM 1 Petition 2021-12-02-27 – 9106 & 9120 Middlebelt Road Page 5

5. All parking spaces, except the required handicapped spaces, shall be doubled striped at ten feet (10') wide by twenty feet (20') in length as required.
6. That the Exterior Building Elevation Plans, identified as drawings 5 and 6, dated October 12, 2021, prepared by Edwards Group International, Inc. are hereby approved and shall be adhered to.
7. That the maximum height of any pole-mounted light fixtures shall be sixteen feet (16') and shall be located and shielded to prevent light trespass and glare on adjacent properties.
8. That the exterior walls of the trash enclosures shall be constructed out of the same brick used in the construction of the buildings, and the enclosure gates shall consist of solid panel steel or durable, long-lasting solid panel fiberglass.
9. That the issues as outlined in the correspondence dated May 9, 2022, from the Fire Marshal, including the recommended width and vertical clearance of the roadway and the placement of fire hydrants, shall be resolved to the satisfaction of the Department of Public Safety, Livonia Fire and Rescue.
10. That this site shall meet either the City of Livonia or the Wayne County Storm Water Management Ordinance, whichever applies, and the developer shall secure any required permits, including storm water management permits, wetlands permits and soil erosion and sedimentation control permits.
11. The developer and all contractors and subcontractors shall employ best management practices to prevent, reduce and mitigate the problems associated with soil erosion and airborne dirt and dust from migrating off-site, including provisions for erosion control barriers, daily street sweeping, watering, and halting earthwork activities on days when the wind conditions are likely to cause a problem.
12. That only a conforming entrance marker is approved with this petition, and any additional signage shall be separately submitted for review and approval by the Zoning Board of Appeals.
13. That all required cash deposits, certified checks, irrevocable bank letters of credit and/or surety bonds shall be deposited with the City prior to the issuance of engineering permits; and
14. 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

PUBLIC HEARING

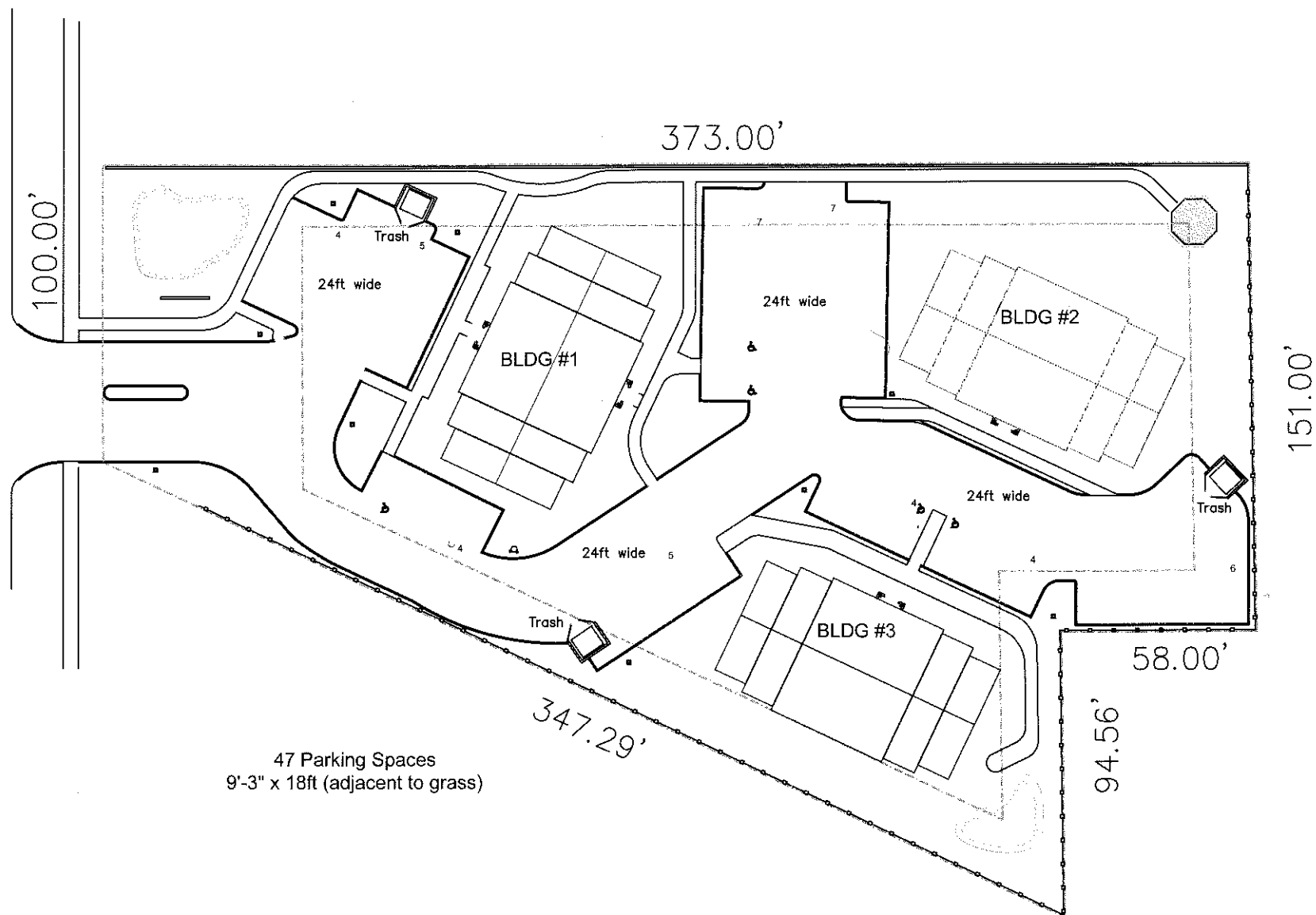
ITEM 1 Petition 2021-12-02-27 – 9106 & 9120 Middlebelt Road Page 6

approval by City Council, and unless a building permit is obtained, this approval shall be null and void at the expiration of said period.

Denying Resolution: That this request to develop a Planned Residential Development, consisting of an apartment complex on the properties at 9106 and 9120 Middlebelt Road is denied for the following reasons

1. That the petitioner has failed to affirmatively show that the proposed use complies with all the special and general waiver use standards of the Zoning Ordinance.
2. That the petitioner has failed to demonstrate a need to use the Planned Residential Development option to develop the subject property.
3. That the layout and number of buildings and apartments proposed for the development would have a negative effect upon the neighboring properties.
4. That the proposed use is incompatible to and not in harmony with the surrounding uses in the area.
5. That the proposal creates significant adverse impacts on adjoining parcels, public services, and community planning efforts.
6. That approving this request would allow a use that is inconsistent with the surrounding land uses, and
7. That the petitioner has failed to comply with all the concerns deemed necessary for the safety and welfare of the City and its residents.

Middle Belt Rd
(County Road)



MAY 9, 2022

Site Plantation

Site Plantation

Site Plantation

Symbol	Description
	Existing Trees as Shown in Tree Survey
	Blackhaw viburnum (<i>Viburnum prunifolium</i>) – 12 to 15 feet. One of several native viburnums that add landscape beauty throughout the growing season.
	Common witchhazel (<i>Hammamelis virginiana</i>) – 15 feet. Multi-stemmed, vase-shaped large shrub that can be pruned to a small understory tree.
	Shubby cinquefoil (<i>Potentilla fruticosa</i>) – 3 feet. Small landscape shrub that prospers under many conditions. Leaves unfold in shades of green-gray, changing to bright or dark green in summer and yellow-brown in fall.
	Michigan holly (<i>Ilex verticillata</i>) – 6 to 10 feet. Multi-stemmed deciduous holly with bright red persistent fruits
	Buttonbush (<i>Cephalanthus occidentalis</i>) – 5 to 6 feet. Glossy foliage that emerges in shades of red and green, changing to dark green in summer and then yellow-green in autumn.

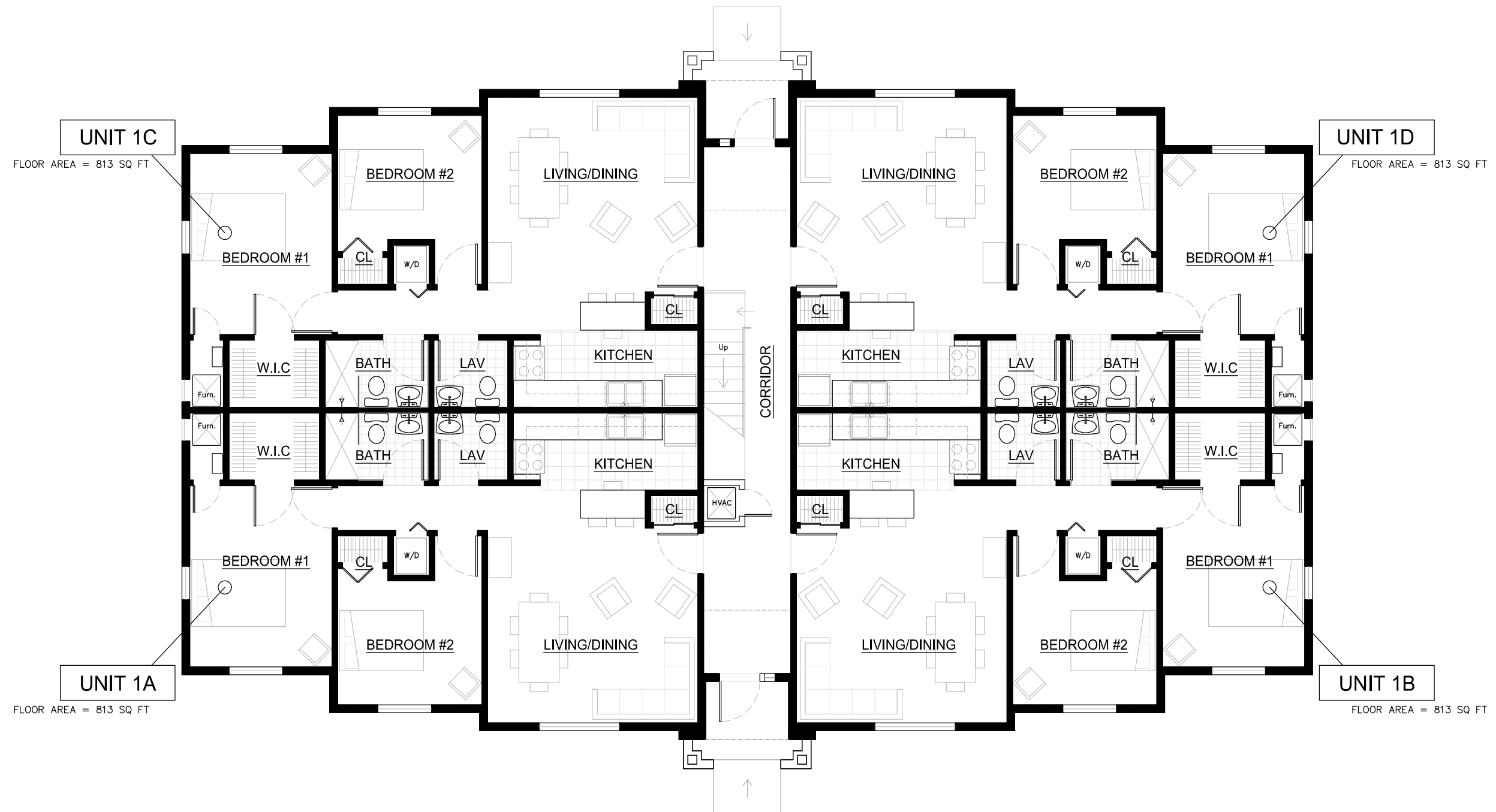
Site Finishing Materials

Symbol	Description
	Soil / Gravel
	Grass
	Stamped Concrete

Site Fixtures

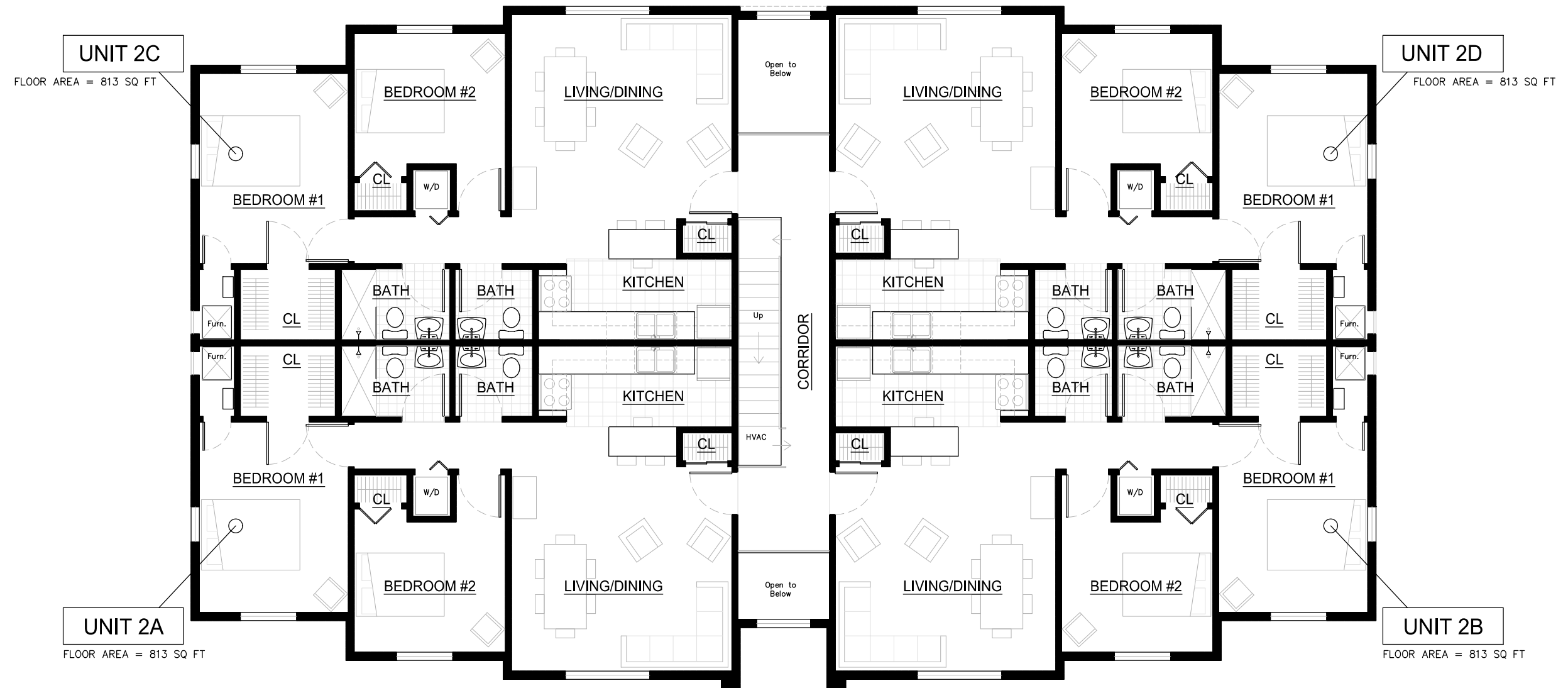
Symbol	Description
	Fixed Wooden Bench
	Lamppost
	30" High Brick Ground Sign (Address)
	Catch Basin
	Hydrant





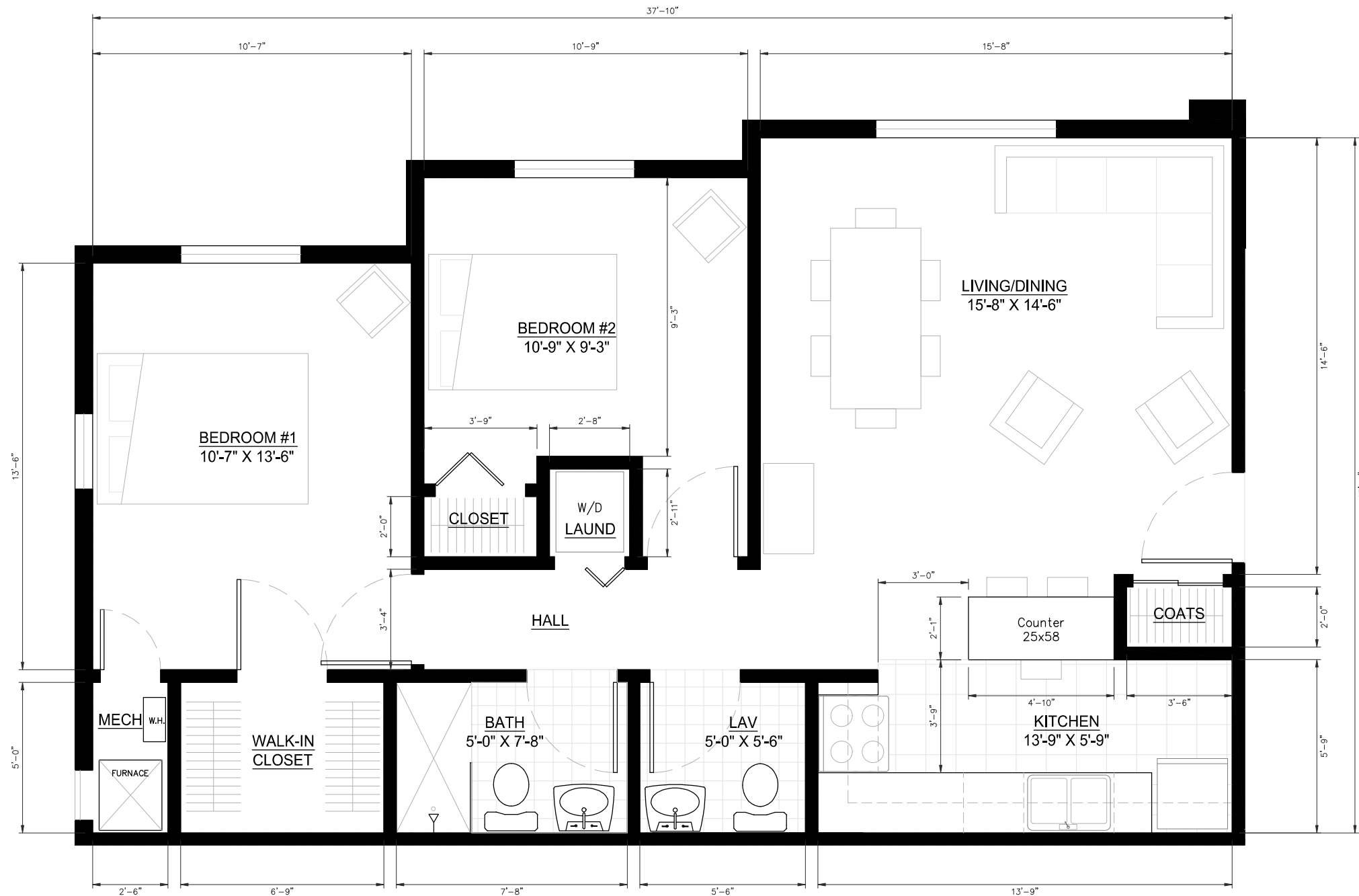
FIRST FLOOR PLAN

1/4" = 1'-0"
 BUILDING FLOOR AREA = 3,565 SQ FT PER FLOOR
 BLDG #1 PLAN SHOWN, BLDGS #2 AND #3 SIMILAR



SECOND FLOOR PLAN

1/4" = 1'-0"
BUILDING FLOOR AREA = 3,565 SQ FT PER FLOOR
BLDG #2 AND #3 PLAN SHOWN, BLDG #1 SIMILAR



TYPICAL UNIT FLOOR PLAN

1/2" = 1'-0"
FLOOR AREA = 813 SQ FT, Version "C"

ASPHALT SHINGLES

COATED METAL
TRIM

FIBERGLASS
WINDOW UNITS

BRICK

NATURAL STONE
VENEER



FRONT ELEVATION (Typical)

1/4" = 1'-0"

ASPHALT SHINGLES

COATED METAL
TRIM

FIBERGLASS
WINDOW UNITS

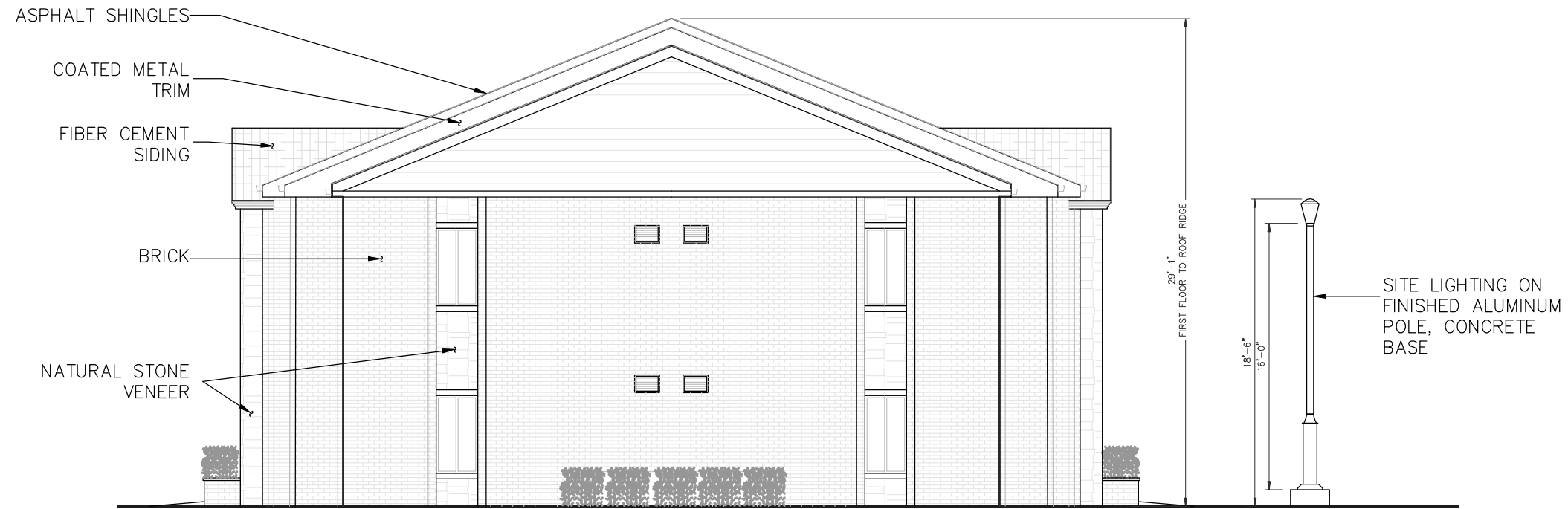
BRICK

NATURAL STONE
VENEER



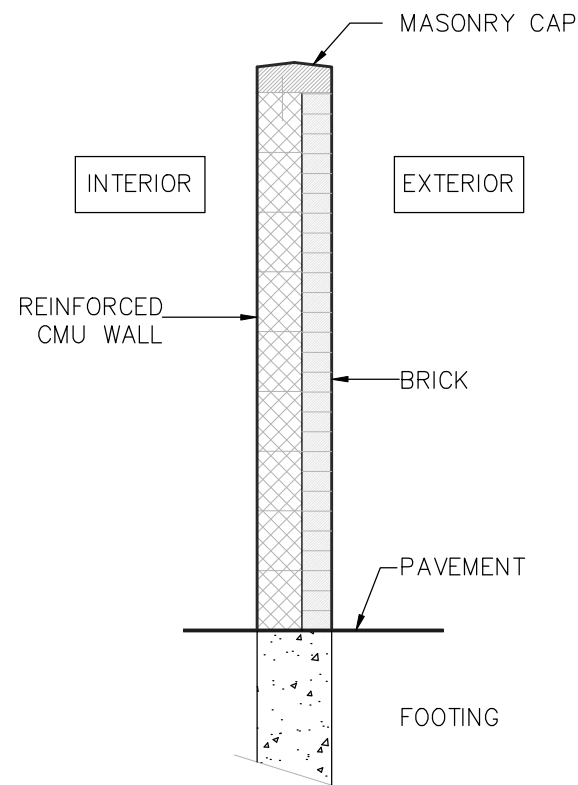
REAR ELEVATION (Bldgs 2 and 3)

1/4" = 1'-0"



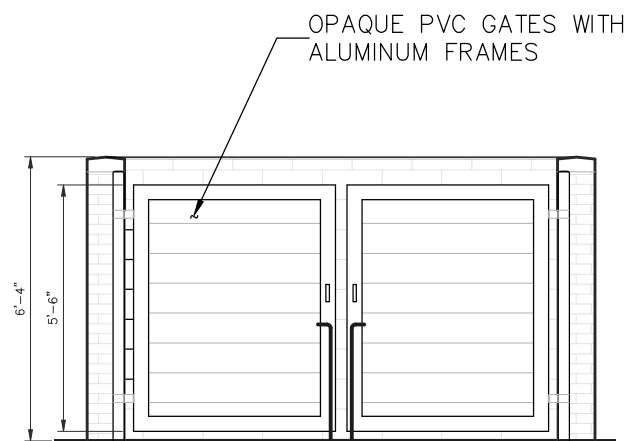
SIDE ELEVATION (Typical)

1/4" = 1'-0"



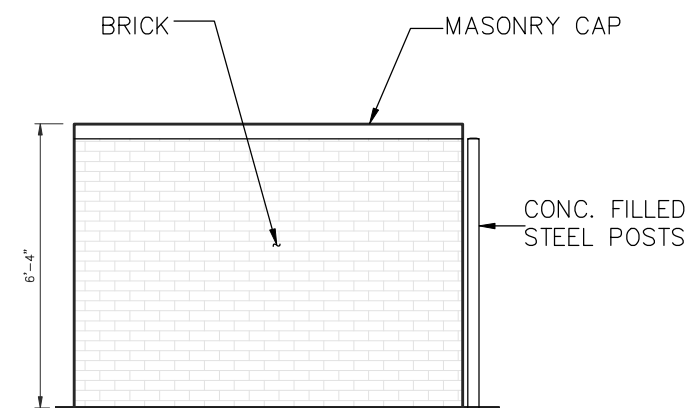
DUMPSTER ENCLOSURE
WALL SECTION

1" = 1'-0"



DUMPSTER ENCLOSURE
FRONT ELEVATION

1/2" = 1'-0"



DUMPSTER ENCLOSURE
SIDE ELEVATION

1/2" = 1'-0"









ELEGANT. DURABLE. DISTINCTIVE.



ToughGate™ by CityScapes® offers expertly crafted gates and doors built to your specifications, budget and job site demands. We use only professional grade materials for years of maintenance free operation.

For stunning good looks, amazing longevity, and extraordinary first impressions, choose ToughGate™.

- MAINTENANCE FREE MATERIALS
- SHIPPED PRE-ASSEMBLED FOR FAST INSTALLATION
- WIDE VARIETY OF DESIGN OPTIONS



ToughGate™

ToughGate's™ innovative design makes field assembly fast and easy. All of our gates are shipped pre-assembled directly to your project site, accompanied by all required installation hardware. Our complete installation guides provide a clearly-defined process from start to finish.

Gates are available in heights of up to 14 ft* and widths of up to 20 ft** to accommodate almost any opening dimension.

* Maximum height determined by infill material and style selected.

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All ToughGate™ and Covrit® handles and hardware are powder coated and color-matched to the coordinating gate frame for superior aesthetics.



Bridge



Modern



Classic

MODERN LATCH

Our color matched, lockable latches are designed for years of maintenance free use.



Modern

CUSTOM DESIGNS

Don't see a style or color that fits our plan? No problem. We can color match many of our gate options or allow you to create a fully custom design. Print your image directly onto the gate or laser cut an intricate design into your gate. Have another idea? Let us know. We love a challenge.



E250LED / E260LED EURO SERIES

LED

EPA
E250LED 0.58 (ft²)
E260LED 0.71 (ft²)
WEIGHT
E250LED 30 LBS
E260LED 30 LBS

7 YEAR WARRANTY

LUMEN RANGE
2,005-4,530

LIFE SPAN
L70 UP TO 100,000 HOURS

UL LISTED

CLICK FOR FAQ'S

JOB NAME

FIXTURE TYPE

MEMO

BUILD A PART NUMBER

ORDERING EXAMPLE: 2A-E250LED-3ARC45T5-MDH03-SV1-PEC-FHD/EU2PM/32IOP4/PCC/BKT

Mounting Config.	Fixture	LED	CCT	Type	Driver	Lens	Option Photocontrol	Option Fuse	Arm See Arm Spec Sheets	Pole See Pole Spec Sheets	Finish
1APT	E260LED	1RND	27	T4	MDH03	SV2					ABZT

Mounting Configuration

(Click here to view mounting configuration sheet)

- 1W • 2A • 3A90 • 1AM
- PT • 2A90 • 3APT • 2AM
- 1A • 2APT • 4A • 45OPB
- 1APT • 3A • 4APT

W = Wall Mount PT = Post Top APT = Post Top Arm Mid-Mount
A = Arm Mount AM = Arm Mid-Mount PB = Pier Base

Fixture

- E250LED • E260LED

LED

- 3ARC • 1RND

CCT - Color Temperature (K)

- 27(00) • 35(00) • 45(00)

Type

- T2 • T3 • T3R • T4 • T5

Driver

- MDL03 (120V-277V, 350mA)
- MDH03 (347V-480V, 350mA)

Lens

- CA¹ (Clear Acrylic)
- FA¹ (Frosted Acrylic)
- FL² (Flat Acrylic Lens)
- SV1² (Flat Soft Vue Medium Diffused Acrylic)
- SV2² (Flat Soft Vue Heavy Diffused Acrylic)

¹For use with E260LED only.

²For use with E250LED only.

Options (Click here to view accessories sheet)

- PEC Electronic Button Photocontrol (120V-277V)
- PEC4 Electronic Button Photocontrol (480V)
- FHD³ Dual Fuse and Holder

³ Ships loose for installation in base.

Arm (Click here to view arm website page)

See Arms & Wall Brackets specification sheets.

- 78U • 80 • EU2

Pole (Click here to view pole website page)

See Pole specification sheets.

Finish (Click here to view paint finish sheet)

Standard Finishes⁴

- BKT Black Textured
- WHT White Textured
- PGT Park Green Textured
- ABZT Architectural Medium Bronze Textured
- DBT Dark Bronze Textured

⁴Smooth finishes are available upon request.

Custom Finishes⁵

- CM Custom Match
- OI Old Iron
- RT Rust
- WBR Weathered Brown
- CD Cedar
- WBK Weathered Black
- TT Two Tone

⁵ Custom colors require upcharge.

Sternberg Select Finishes

- VG Verde Green
- SI Swedish Iron
- OWGT Old World Gray Textured

Specifications

Fixture

This small scale contemporary fixture includes a die-cast aluminum roof, fitter and (4) sweeping support legs. The unit is provided with an acrylic tapered cylindrical molded lens matching the profile of the support legs (E260LED), or a flat acrylic lens allowing for an open body (E250LED). The Luminaire shall be UL listed in US and Canada.

Fitter - Standard

Cast aluminum fitter slips a 4" OD x 2.5" tall tenon or pole.

LED's

The luminaire shall use high output, high brightness LED's. They shall be mounted in arrays, on printed circuit boards designed to maximize heat transfer to the heat sink surface. The arrays shall be roof mounted to minimize up-light. The LED's and printed circuit boards shall be 100% recyclable; they shall

also be protected from moisture and corrosion by a conformal coating of 1 to 3 mils. They shall not contain lead, mercury or any other hazardous substances and shall be RoHS compliant. The LED life rating data shall be determined in accordance with IESNA LM-80. The High Performance white LED's will have a life expectancy of approximately 100,000 hours with not less than 70% of original brightness (lumen maintenance), rated at 25°C. The High Brightness, High Output LED's shall be 4500K (3500K or 2700K option) color temperature with a minimum CRI of 70. Consult factory for custom color CCT. The luminaire shall have a minimum _____ (see table) delivered initial lumen rating when operated at steady state with an average ambient temperature of 25°C (77°F).

Optics

The luminaire shall be provided with individual, refractor type optics applied to each LED. The luminaire shall provide Type ____ (2, 3, 3R, 4 or 5) light distribution per the IESNA classifications. Testing shall be done in accordance with IESNA LM-79.

Electronic Driver

The LED driver shall be U.L. Recognized. It shall be securely mounted inside the fixture, for optimized performance and longevity. It shall be supplied with a quick-disconnect electrical connector on the power supply, providing easy power connections and fixture installation. It shall have overload as well as short circuit protection, and have a DC voltage output, constant current design, 50/60HZ. It shall be supplied with line-ground, line-neutral and neutral-ground electrical surge protection in accordance with IEEE/ANSI C62.41.2 guidelines. It shall be dimmable using a 0-10v signal.

For sources over 50w: The driver shall have a minimum efficiency of 90%. The driver shall be rated at full load with THD<20% and a power factor of greater than 0.90. The driver shall contain over-heat protection.

For sources under 50w: The driver shall have a minimum efficiency of 88%.

See next page



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www.sternberglighting.com

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E250LED / E260LED EURO SERIES

LED

Photocontrols

Button Style: The photocontrol shall be mounted in the pole shaft on an access plate. The electronic button type photocontrol is instant on with a 5-10 second turn off, and shall turn on at 1.5 footcandles with a turn-off at 2-3 footcandles. Photocontrol is 120-277 volt and warranted for 6 years.

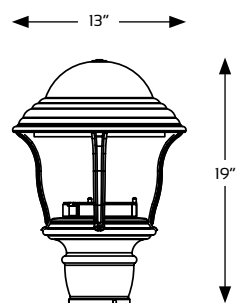
Warranty

Seven-year limited warranty. See product and finish warranty guide for details.

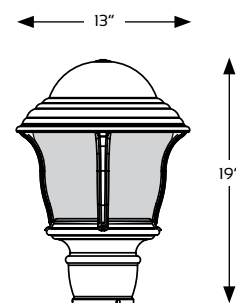
Finish

Refer to website for details.

Fixtures



E250LED
Open Body



E260LED
Body Lens

Performance - E250LED

MODEL #	T2 LUMENS	BUG	EFFICACY (LPW)	T3 LUMENS	BUG	EFFICACY (LPW)	T3R LUMENS	BUG	EFFICACY (LPW)	T4 LUMENS	BUG	EFFICACY (LPW)	T5 LUMENS	BUG	EFFICACY (LPW)	WATTS
3ARC45T_MDL03	3885	B2U0G2	74.7	3740	B2U0G2	71.9	3875	B1U0G1	74.5	3915	B1U0G1	75.3	3850	B2U0G1	74.0	52
3ARC35T_MDL03	3650	B2U0G2	70.2	3515	B2U0G2	67.6	3640	B1U0G1	70.0	3675	B1U0G1	70.7	3615	B2U0G1	69.5	52
3ARC27T_MDL03	3205	B1U0G1	61.6	3085	B1U0G1	59.3	3195	B1U0G1	61.4	3225	B1U0G1	62.0	3175	B2U0G1	61.1	52
1RND45T_MDL03	2580	B1U0G1	80.6	2430	B1U0G1	75.9	2520	B1U0G1	78.8	2485	B1U0G1	77.7	2495	B2U0G1	78.0	32
1RND35T_MDL03	2425	B1U0G1	75.8	2280	B1U0G1	71.3	2365	B1U0G1	73.9	2335	B1U0G1	73.0	2345	B2U0G1	73.3	32
1RND27T_MDL03	2125	B1U0G1	66.4	2005	B1U0G1	62.7	2075	B1U0G1	64.8	2050	B1U0G1	64.1	2055	B1U0G1	64.2	32

Performance - E260LED

MODEL #	T2 LUMENS	BUG	EFFICACY (LPW)	T3 LUMENS	BUG	EFFICACY (LPW)	T3R LUMENS	BUG	EFFICACY (LPW)	T4 LUMENS	BUG	EFFICACY (LPW)	T5 LUMENS	BUG	EFFICACY (LPW)	WATTS
3ARC45T_MDL03	4240	B2U2G2	81.5	4290	B2U2G2	82.5	4325	B2U2G2	83.2	4355	B1U2G2	83.8	4530	B3U2G3	87.1	52
3ARC35T_MDL03	3980	B2U2G2	76.5	4030	B2U2G2	77.5	4060	B2U2G2	78.1	4090	B1U2G2	78.7	4255	B3U2G3	81.8	52
3ARC27T_MDL03	3495	B2U2G2	67.2	3535	B2U2G2	68.0	3565	B2U2G2	68.6	3590	B1U2G1	69.0	3735	B2U2G2	71.8	52
1RND45T_MDL03	2840	B1U2G1	88.8	2740	B1U2G2	85.6	2795	B1U2G1	87.3	2710	B1U2G1	84.7	2860	B2U2G2	89.4	32
1RND35T_MDL03	2665	B1U2G1	83.3	2575	B1U2G2	80.5	2625	B1U2G1	82.0	2545	B1U2G1	79.5	2685	B2U2G2	83.9	32
1RND27T_MDL03	2340	B1U2G1	73.1	2260	B1U2G2	70.6	2305	B1U2G1	72.0	2235	B1U2G1	69.8	2360	B2U2G2	73.8	32



SternbergLighting

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3300 GATEWAY SERIES

ARCHITECTURAL POLE

DIMENSIONS
18" Ø
48" TALL

5 YEAR WARRANTY

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ETL LISTED

CLICK FOR FAQ'S

JOB NAME

FIXTURE TYPE

MEMO

BUILD A PART NUMBER

ORDERING EXAMPLE: 3318P5-.188-BCC-GFILPIUC-SH/BKT

Base Model	Height	Shaft	Wall Thickness	Post Center Cap	Option Burial	Option Photocell	Option Ground Fault Breaker	Option Flag Pole Holder	Option Banner Arms	Option Planter Arms	Option Sign Arms	Option Speaker Hub	Option Sign Bracket	Option Steel Wreath Hook	Finish
	16														

Model

• 33

Height

• 8 • 12 • 16 • 20
• 10 • 14 • 18

Shaft

• T5: 5"-3" Tapered Smooth
• T54: 5"-4" Tapered Smooth
• T6: 6"-3" Tapered Smooth
• T64: 6"-4" Tapered Smooth
• P5: 5" Straight Smooth
• P6¹: 6" Straight Smooth
• FP5: 5" Straight Fluted
• FP6²: 6" Straight Fluted

¹ Not available in .125 wall.

² Not available in .250 wall.

Wall Thickness

• .188: 3/16" Wall Thickness
• .250: 1/4" Wall Thickness

Post Center Cap (if required)

(Click here to view post cap sheet)

• BCC • FCC • SCC • TFCC
• SSCC • RCC • PCC

Options (Click here to view accessories sheet)

• DB4 Direct Burial mounting style pole, with 4' direct burial section (or advise other length)
• HXB Helix Base mounting style pole
• PCD Electronic Button Photocontrol, mounted on an access door (120v-277v)
• PCD4 Electronic Button Photocontrol, mounted on an access door (480v)
• GFI IUC 15 Amp duplex GFCI receptacles with a standard in-use cover
• GFI LPIUC 15 Amp duplex GFCI receptacles with a low-profile in-use cover

• GFB Remote Ground Fault Breaker installed in pole base (for use with NON-GFCI receptacles)
• FH Cast Aluminum flag holder mount, for use with 1" diameter flag pole
• SBA Single Banner Arm, "PM" style mount
• DBA Double Banner Arms, "PM" style mount
• SBAR Single Banner Arm and Ring, for triangle banners, "PM" style mount
• HSBA Single Banner Arm, HUB mount style mount
• HDBA Double Banner Arms, HUB mount style mount
• BDBA6 Double Banner Arms, Break-Away style, to break with 60MPH wind gust
• BDBA9 Double Banner Arms, Break-Away style, to break with 90MPH wind gust
• C5SBA Single Banner Arm, Clamp-Style mount, for 5" diameter poles
• C5DBA Double Banner Arms at 180°, Clamp-Style mount, for 5" diameter poles
• DHPA Double Hooked Planter Arm
• SHPA Single Hooked Planter Arm
• DSPA Double Stepped Planter Arm
• SSPA Single Stepped Planter Arm
• PA478 Cast aluminum decorative planter arm
• SA78 Small cast aluminum decorative sign arm, with 24" long channel for blade sign by others
• SA478 Large cast aluminum decorative sign arm, with 24" long channel for blade sign by others
• SABA Banner arm style sign arm, with 24" long channel for blade sign by others
• SH Female threaded speaker hub, advise thread size
• SB Sign Bracket, vertically mounted on pole shaft
• WHK Steel wreath hook

Finish (Click here to view paint finish sheet)

Standard Finishes³ (Click here to view paint finish sheet)

• BKT Black Textured
• WHT White Textured
• PGT Park Green Textured
• ABZT Architectural Medium Bronze Textured
• DBT Dark Bronze Textured

³ Smooth finishes are available upon request.

Sternberg Select Finishes

• VG Old Iron
• SI Old Iron
• OWGT Old World Gray Textured

Standard Urban Finishes (Click here to view paint finish sheet)

• UGMT Gun Metal Textured
• UGM Gun Metal Matte
• UBT Urban Bronze Textured
• UB Urban Bronze Matte
• USLT Urban Silver Textured
• USL Urban Silver Matte
• UWHT Urban White Textured
• UWH Urban White Matte

Custom Finishes⁴

• CM Custom Match
• OI Old Iron
• RT Rust
• WBR Weathered Brown
• CD Cedar
• WBK Weathered Black
• TT Two Tone

⁴ Custom colors require upcharge.



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DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

TODD J. ZILINCIK, P.E.
CITY ENGINEER

DAVID W. LEAR, P.E.
ASST. CITY ENGINEER



MAUREEN MILLER BROSNAN
MAYOR

DONALD R ROHRAFF
DIRECTOR OF PUBLIC WORKS

12973 FARMINGTON ROAD
LIVONIA, MICHIGAN 48150
(734) 466-2571
FAX: (734) 466-2195

May 5, 2022

Mr. Scott Miller
Planner IV
City of Livonia

Re: Petition 2021-12-02-27 – #9106 & #9120 Middlebelt Road

Dear Mr. Miller:

In accordance with your request, the Engineering Division has reviewed the above referenced petition. We have no issues with the proposed waiver use at this time. The subject parcels are assigned the addresses of **#9106 & 9120 Middlebelt Road**. The legal descriptions contained within the submittal for the parcels appears to be correct, but the owner will need to combine the properties and create one inclusive legal description for the overall parcel.

The existing parcel currently has access to public water main, storm sewer and sanitary sewer, although the sanitary sewer is located on the west side of Middlebelt Road. At this time, there is nothing that would indicate negative impacts to any of the existing utilities since the petition is for waiver use purposes and shows no utility service details. Should the project move forward, the owner would need to submit drawings to this Department (as well as Wayne County) for a proper plan review and permitting.

Should you have any additional questions on this matter, please feel free to contact myself at (734) 466-2608 or the City Engineer, Mr. Todd Zilincik at (734) 466-2561. If you would prefer, you can e-mail either of us at dlear@livonia.gov or tzilincik@livonia.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "David W. Lear".

David W. Lear, P.E.
Assistant City Engineer

cc: 2021 Petition File

DEPARTMENT OF PUBLIC SAFETY
LIVONIA FIRE & RESCUE

DAVE HEAVENER
FIRE CHIEF



MAUREEN MILLER BROSNAN
MAYOR

14910 FARMINGTON ROAD
LIVONIA, MICHIGAN 48154-5419
734-466-2444
734-466-2082 fax

DATE: May 9,2022

TO: Scott O. Miller, Planner IV

FROM: Livonia Fire Prevention Division

SUBJECT: Petition 2021-12-02-27 9106 & 9120 Middlebelt, Maple Real Estate Grp

This office has reviewed the site plan submitted in connection with a request to construct a residential building on property located at the above referenced address.

We have no objections to this proposal with the following stipulations:

1. A fire access road (the roadway within the complex as shown on drawings) shall be provided with not less than 20 feet of unobstructed width and have a minimum of 13 feet 6 inches of vertical clearance in accordance to 18.2.3.4.1.1 and 18.2.3.4.1.2 of NFPA 1, 2015.
2. Fire Hydrants and Water Supply shall be required according to 18.3 NFPA 1, 2015.

A further detailed plan review will take place when this division receives an official plan set.

Sincerely,

Brian Kukla

Brian Kukla-Fire Marshal
Sr. Fire Inspector

DEPARTMENT OF PUBLIC SAFETY
DIVISION OF POLICE

THOMAS GORALSKI
CHIEF OF POLICE

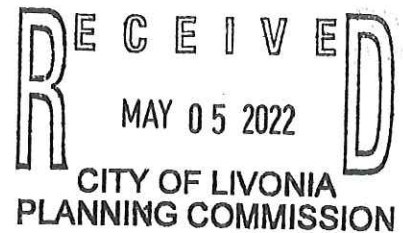


MAUREEN MILLER BROSNAN
MAYOR

15050 Farmington Road
Livonia, Michigan 48154-5499
(734) 466-2470
FAX: (734) 261-2265

May 4, 2022

Mr. Scott Miller
City of Livonia Planning Dept
33000 Civic Center Drive
Livonia, MI 48154



Re: Petition 2021-12-02-27 - 9106 & 9120 Middlebelt Rd

Mr. Miller,
I have reviewed the plans in connection with the petition. The amount of parking spaces at this location seems to be limited for the amount of units and has the potential for causing traffic problems.

Please feel free to contact me, should you have any questions.

Sincerely,

FOR THE CHIEF OF POLICE,

Agt. Scott Sczepanski #543

Scott Sczepanski, Sergeant
Traffic Bureau
(734) 466-2107

INSPECTION DEPARTMENT

BUILDING
HEATING
PLUMBING
ELECTRICAL
ZONING
SANITATION
ENVIRONMENTAL PROTECTION
ORDINANCE ENFORCEMENT



MAUREEN MILLER BROSNAN
MAYOR

JEROME A. HANNA
DIRECTOR

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2580
FAX: (734) 466-2095

Date: May 9, 2022

To: Scott O. Miller

From: Jerome Hanna

RE: Petition 2021-12-02-27 – 9106 & 9120 Middlebelt Road

Pursuant to your request, the above referenced Petition has been reviewed.

This Department has no objections to this Petition.

I trust this provides the requested information.

Jerome Hanna

Jerome Hanna
Director of Inspection

DEPARTMENT OF FINANCE

Michael T. Slater
DIRECTOR OF FINANCE

Connie Kumpula
CHIEF ACCOUNTANT



MAUREEN MILLER BROSNAN
MAYOR

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2260
FAX: (734) 421-1807

May 3, 2022

Mr. Scott O. Miller
Planning Commission
33000 Civic Center Drive
Livonia, MI 48154

Petition 2021-12-02-27 - 9106 & 9120 Middlebelt Road

Dear Mr. Miller,

I have reviewed the address connected with the above noted petition. As there are no outstanding amounts receivable (general or water and sewer), I have no objections to the proposal.

Please contact me if you have any further questions.

Very truly yours,


Connie Kumpula
Chief Accountant

CK: jw

OFFICE OF THE TREASURER

LYNDA L. SCHEEL
CITY TREASURER



33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3060
(734) 466-2245
FAX: (734) 421-7230

May 3, 2022

Mr. Scott Miller – Planner IV
Planning Commission
City of Livonia

Re: Petition 2021-12-02-27

9106 & 9120 Middlebelt Road
Maple Real Estate / Ventura Real Estate

Dear Mr. Miller,

In accordance with your request, the Treasurer's Office has reviewed the name and addresses connected with the above noted petition. At this time there are no taxes due, therefore I have no objections to the proposal.

Sincerely,

Lynda L. Scheel
Treasurer, City of Livonia

OFFICE OF THE MAYOR

Maureen Miller Brosnan
MAYOR

Linda Gosselin
ASSESSOR



33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2201
mayor@ci.livonia.mi.us

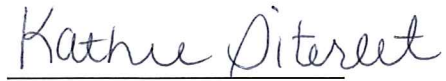
April 28, 2022

To: Planning Department

Re: **Petition 2021-12-02-27 - 9106 & 9120 Middlebelt Road**

Plans have been submitted by Maple Real Estate Group, LLC requesting waiver use approval to develop an apartment complex on properties at 9106 & 9120 Middlebelt Road, owned by Ventura Real Estate, LLC. These are separate parcels, 9106 Middlebelt parcel 143-01-0106-000 and 9120 Middlebelt parcel 143-01-0068-005 and therefore should be combined. Please direct them to the Assessor's Office or Livonia.gov for the lot combination process.

Kindest Regards,


Kathie Siterlet
Residential Appraiser

OTHER ITEMS RELATED TO THE PETITION



FAKIH & ASSOCIATES

ATTORNEYS & COUNSELORS AT LAW

16030 Michigan Avenue, Suite 200, Dearborn Michigan 48126
Phone: 313.846.6300 Fax: 313.846.6358

May 17, 2022

Livonia Planning Commission
City Hall
5th Floor Gallery
33000 Civic Center Drive
Livonia, Michigan

Sent Via Electronic Mail

mtaormina@livonia.gov; smiller@livonia.gov;
sreece@livonia.gov; planning@livonia.gov

Re: 9106 Middlebelt – *Application for Site Plan Review*
Concerns Raised at May 10, 2022 Study Session and Steps Taken to Resolve

Dear Planning Commission,

I hope this letter finds you well. I am unable to attend today's meeting due to a personal matter. Attorney Michael Longo will be appearing on my behalf.

We are excited and enthusiastic about this project and have taken steps to address the concerns raised at the prior Study Session. Revised plans were submitted to the Planning Commission for review on May 16, 2022 and I believe the revisions remedy the concerns raised on the May 10 Study Session. On the recommendations and concerns raised:

- a. Building No. 2 has been relocated away from the adjacent residential homes;
- b. Columnar Evergreen Tree Screens consisting of Norway Spruce trees (which reach 10'-12' in heights) will be placed around the property line that's adjacent to neighboring residential properties (we will also maintain as many pre-existing mature trees as possible);
- c. 6' tall vinyl fencing will be placed around the entire property, including around aforementioned Tree Screen;
- d. Dumpsters will be enclosed and moved away from adjacent properties and closer to the planned apartment buildings;

The revised Plans address and resolve the concerns raised by centralizing the apartment complex, increasing privacy between the proposed site and adjacent properties, maintaining ingress and egress to Middlebelt Road while maintaining zero impact on neighborhood traffic, preserving the quality of prospective residents and families, and ensuring a robust community standard rather than a mere complex.

The footprint of this project will not be large scale, either. The property will consist of Three (3) buildings totaling 11,322 sq ft – leaving 51,812 sq ft for landscaping development, parking, walkways, and driveways. The buildings will be the same height as a standard 2-story house, with open floor plans, luxury finishes (ex. porcelain tile, granite countertops, stainless steel appliances, etc.). The building exteriors will be built with beautiful stone and brick. Accordingly, the final development will have a minimal intrusion on the current setting and increase the natural setting between buildings.

We are interested in building and complimenting the Livonia Community and attracting young professionals and families who are looking for high-quality living arrangements in a nice and quiet setting and with people who care for their neighborhood. The goal is to provide a setting that increases our potential resident's quality of life, which will only improve the desirability of the neighborhood and the City of Livonia on a larger scale. To achieve this goal, our potential residents will be required to pass a stringent application process prior to leasing, requiring: (a) credit scores of at least Six Hundred Seventy-Five (675); (b) a non-history of any rental delinquency; (c) proof of income for the Twelve (12) months preceding any application and such income must be at least three times more than the applicable rental rate; and (d) credit references that will be contacted and verified prior approval.

I am confident that you will agree that the revised Plans resolve the questions and concerns the Planning Commission and the members of the public raised on May 10, 2022. In the event they do not, or other concerns require attention, we are more than happy to continue our work to resolve the same.

Should you have any additional questions, concerns, or requests, we look forward to resolving the same with you.

Sincerely Yours,

FAKIH & ASSOCIATES, PLLC

/s/ Sam M. Fakh

Sam M. Fakh, Atty.

I have been here since 1961.

An apartment would be awful there a business there with low level would be better

NOTICE OF PUBLIC HEARING

CITY OF LIVONIA PLANNING COMMISSION



33000 Civic Center Drive
Livonia, Michigan 48154-3097
(734) 466-2290

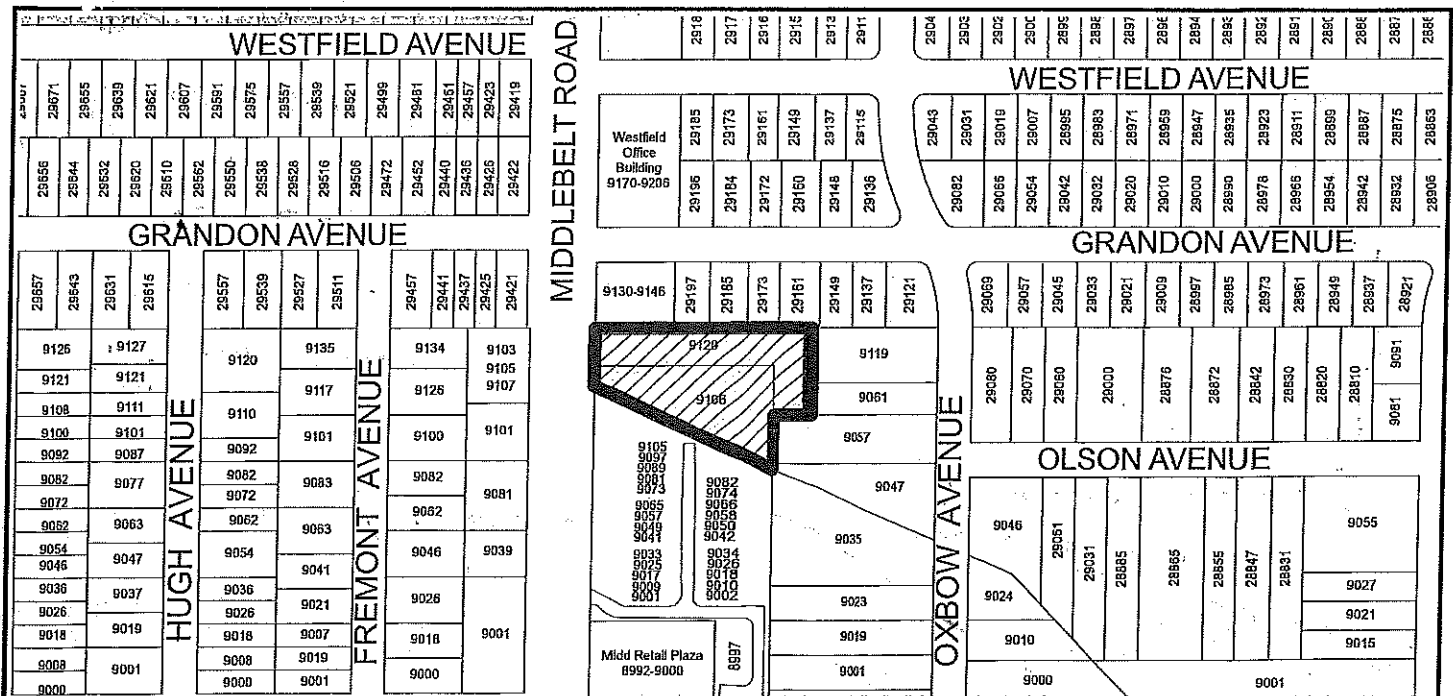
not an apartment. Westland is loaded with them but not where you might want one

460 No.

the condos are nicer

A PUBLIC HEARING WILL TAKE PLACE BEFORE THE CITY PLANNING COMMISSION OF THE CITY OF LIVONIA ON TUESDAY MAY 17, 2022 AT THE LIVONIA CITY HALL, 33000 CIVIC CENTER DRIVE, LIVONIA, MICHIGAN AT 7:00 P.M., OR AS SOON THEREAFTER AS THE AGENDA WILL PERMIT ON THE FOLLOWING ITEMS:

Petition 2021-12-02-27 submitted by Maple Real Estate Group, L.L.C. requesting special waiver use approval pursuant to Section 5.02 of the Livonia Vision 21 Zoning Ordinance, as amended, to develop a Planned Residential Development consisting of an apartment complex made up of three (3) buildings and twenty-four (24) dwelling units, on the properties at 9106 and 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest 1/4 of Section 36.



YOU ARE ENCOURAGED TO ATTEND THE PUBLIC HEARING AND PRESENT YOUR VIEWS ON THIS MATTER TO THE CITY PLANNING COMMISSION. IN LIEU OF ATTENDING THE MEETING, YOU MAY PRESENT YOUR VIEWS IN WRITING ADDRESSED TO: CITY OF LIVONIA PLANNING COMMISSION, 33000 CIVIC CENTER DRIVE, LIVONIA, MI 48154, OR BY EMAIL TO: PLANNING@LIVONIA.GOV

In accordance with Title II of the American with Disabilities Act as it pertains to access to Public Meetings, the Planning Department of the City of Livonia, upon adequate notice, will make reasonable accommodations for persons with special needs. Please call 734-466-2290 if you need assistance.

I live on Westfield & we all in
the short block
12 house maintain
our homes. This
would be a

destruction

I am not for it.

write
them

Thanks

Could not make
it to the meeting ✓

To me this
would be an
eye sore.

Here you have
nice neighborhood
then this idea no

RECEIVED
MAY 02 2022
CITY OF LIVONIA
PLANNING COMMISSION

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MINUTES OF THE 1,187th PUBLIC HEARINGS AND REGULAR MEETING HELD BY THE CITY PLANNING COMMISSION OF THE CITY OF LIVONIA

On Tuesday, May 17, 2022, the City Planning Commission of the City of Livonia held its 1,187th Public Hearing and Regular Meetings in the Livonia City Hall, 33000 Civic Center Drive, Livonia, Michigan.

Mr. Ian Wilshaw, Chairman, called the meeting to order at 7 p.m.

Members present: Carol Smiley Glen Long Betsy McCue
Dave Bongero Peter Ventura Sam Caramagno
Ian Wilshaw

Members absent: None

Mr. Mark Taormina, Planning Director, Jacob Uhazie, Planning & Economic Development Coordinator, and Stephanie Reece, Program Supervisor, were also present.

Chairman Wilshaw informed the audience that if a petition on tonight's agenda involves a rezoning request, this Commission makes a recommendation to the City Council who, in turn, will hold its own public hearing and make the final determination as to whether a petition is approved or denied. The Planning Commission holds the only public hearing on a request for preliminary plat and/or vacating petition. The Commission's recommendation is forwarded to the City Council for the final determination as to whether a plat is accepted or rejected. If a petition requesting a waiver of use or site plan approval is denied tonight, the petitioner has ten days in which to appeal the decision, in writing, to the City Council. Resolutions adopted by the City Planning Commission become effective seven (7) days after the date of adoption. The Planning Commission and the professional staff have reviewed each of these petitions upon their filing. The staff has furnished the Commission with both approving and denying resolutions, which the Commission may, or may not, use depending on the outcome of the proceedings tonight.

ITEM #1 PETITION 2021-12-02-27 Maple Real Estate Group

Mr. Caramagno, Secretary, announced the first item on the agenda, Petition 2021-12-02-27 submitted by Maple Real Estate Group, L.L.C. requesting special waiver use approval to develop a Planned Residential Development pursuant to Section 5.02 of the Livonia Vision 21 Zoning Ordinance, consisting of an apartment complex made up of three (3) buildings and twenty-four (24) dwelling units, on the properties at 9106 and 9120 Middlebelt

Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest ¼ of Section 36.

Mr. Ventura: I would like to recuse myself from the proceedings.

Mr. Wilshaw: Yes. We will give Mr. Ventura an opportunity to step down due to a possible conflict of interest. So with that, we'll go to Mr. Taormina for background information on this. Thank you, Mr. Taormina.

Mr. Taormina: This is a request to develop a Planned Residential Development that would consist of an apartment complex made up of three buildings and 24 dwelling units. This property is on the east side of Middle Belt Road just south of Grandon Avenue. The property is 1.45 acres in size, including 100 feet of frontage on Middle Belt Road. The property, as you can see from this zoning map, is divided into two zoning classifications. The RUF portion, which is located at the rear of the property, is in the process of being changed to C-1, Local Business. The balance of the property is already zoned C-1, so the proposed change would bring the entire property under one zoning classification. Council gave first reading to the rezoning on April 4, 2022. The submitted site plan shows three apartment buildings, each containing eight units for a total of 24 units. Building #1 is located towards the front part of the site. Building #2 would occupy the rear part of the site and includes the small RUF district that is proposed to be rezoned. Building #3 is located between Buildings #1 and #2 along the south side of the property. The plans show a two-way private street from Middle Belt that would provide access to all three buildings. Parking, as you can see, is distributed throughout the site, available in the front and sides of all three buildings. The plan shows a total of 42 parking spaces, which represents a ratio of 1.75 spaces per unit. All three apartment buildings would be identical in size, shape, and design. The buildings would be two stories in height and contain four apartments on each floor. Each unit would have two bedrooms, a living and dining area, kitchen, one and a half baths, and a walk-in-closet. The gross floor area per building, including both levels, totals 7,130 square feet. Each building would have a ground floor area or footprint area of approximately 3,700 feet. The combined total floor area of all three buildings equals 21,390 square feet. This translates to a 34% usable floor area as a percentage of lot area. Building height would be 29' 1" from grade to the roof peak. There would be a network of sidewalks around the buildings and parking

areas. The exterior finish of the buildings would include a combination of brick and stone. The roofs would be asphalt shingled. Fiber cement siding would be used on the gable ends. Here are some additional renderings that give you an idea of what the buildings would look like. To the north, east and south of the site are single family homes. The lots along Grandon backing up to the site all measure approximately 62 feet in width by 113 feet in depth and consist of ranch style homes with detached garages. Buildings #1 at the closest point from the rear lot lines of the homes along Grandon would be setback approximately 20 feet. The plan proposes to separate the multi-family from the single family with a six-foot-high vinyl fence, as well as a row of evergreen plantings. To the east and to the south are homes that are on acreage parcels fronting along the west side of Oxbow Avenue. Generally, these homes are approximately 140 to 145 feet from the west boundary of the subject parcel. In this location, the plan also proposes a six-foot-high vinyl fence and evergreen trees. Also to the south, immediately adjacent to this site, are the Newport Park condominiums. A fully detailed landscape plan has been provided with the documents. This is the plan showing the plantings along the north and east sides of the property, as well as throughout the site, including the frontage on Middle Belt Road. The species and sizes of the trees have been detailed. The proposed apartment development would have an overall density of about 16-½ dwelling units per acre, which is slightly more than the five (5) to 14 dwelling units per acre that is recommended in the Livonia Vision Master Plan. With that, Mr. Chairman, I'd like to read out the correspondence on this item.

Mr. Wilshaw: Yes, please.

Mr. Taormina: The first item is from the Engineering Division, dated May 5, 2022, which reads as follows: *"In accordance with your request, the Engineering Division has reviewed the above referenced petition. We have no issues with the proposed waiver use at this time. The subject parcels are assigned the addresses of #9106 & 9120 Middlebelt Road. The legal descriptions contained within the submittal for the parcels appears to be correct, but the owner will need to combine the properties and create one inclusive legal description for the overall parcel. The existing parcel currently has access to public water main, storm sewer and sanitary sewer, although the sanitary sewer is located on the west side of Middlebelt Road. At this time, there is nothing that would indicate negative impacts to any of the existing utilities since the petition is for waiver use purposes and shows*

no utility service details. Should the project move forward, the owner would need to submit drawings to this Department (as well as Wayne County) for a proper plan review and permitting." The letter is signed by David W. Lear, P.E., Assistant City Engineer. The next letter is from the Livonia Fire & Rescue Division, dated May 9, 2022, which reads as follows: *"This office has reviewed the site plan submitted in connection with a request to construct a residential building on property located at the above referenced address. We have no objections to this proposal with the following stipulations: 1. A fire access road (the roadway within the complex as shown on drawings) shall be provided with not less than 20 feet of unobstructed width and have a minimum of 13 feet 6 inches of vertical clearance in accordance to 18.2.3.4.1.1 and 18.2.3.4.1.2 of NFPA 1, 2015. 2 Fire Hydrants and Water Supply shall be required according to 18.3 NFPA 1, 2015. A further detailed plan review will take place when this division receives an official plan set."* The letter is signed by Brian Kukla, Fire Marshal. The next letter is from the Division of Police, dated May 4, 2022, which reads as follows: *"I have reviewed the plans in connection with the petition. The amount of parking spaces at this location seems to be limited for the amount of units and has the potential for causing traffic problems."* The letter is signed by Scott Sczepanski, Sergeant, Traffic Bureau. The next letter is from the Inspection Department, dated May 9, 2022, which reads as follows: *"Pursuant to your request, the above referenced Petition has been reviewed. This Department has no objections to this Petition."* The letter is signed by Jerome Hanna, Director of Inspection. The next letter is from the Finance Department, dated May 3, 2022, which reads as follows: *"I have reviewed the address connected with the above noted petition. As there are no outstanding amounts receivable (general or water and sewer), I have no objections to the proposal."* The letter is signed by Connie Kumpula, Chief Accountant. The next letter is from the Treasurer's Department, dated May 3, 2022, which reads as follows: *"In accordance with your request, the Treasurer's Office has reviewed the name and addresses connected with the above noted petition. At this time there are no taxes due, therefore I have no objections to the proposal."* The letter is signed by Lynda Scheel, Treasurer. The next letter is from the Assessor's office, dated April 28, 2022, that reads: *"Plans have been submitted by Maple Real Estate Group, LLC requesting waiver use approval to develop an apartment complex on properties at 9106 & 9120 Middlebelt Road, owned by Ventura Real Estate, LLC. These are separate parcels, 9106 Middlebelt parcel 143-01-0106-000 and 9120 Middlebelt parcel*

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143-01-0068-005 and therefore should be combined. Please direct them to the Assessor's Office or Livonia.gov for the lot combination process." The letter is signed by Kathy Siterlet, Residential Appraiser. And then lastly, we have a letter from a resident, Rita Osada, who gives her address as 29150 Westfield Street, and it reads: *"I have been here since 1961. An apartment would be awful there. A business there with low level would be better. Not an apartment. Westland is loaded with them, but not where you might want one. Also, the condos are nice. It continues. I live on Westfield, and we all in the short block 12 house maintain our homes. This would be a distraction. I am not for it. To me, this would be an eyesore. Sure you have nice neighborhood, then this idea, no. Thanks. Could not make it to the meeting. Thank you."* That is the extent of the correspondence.

Mr. Wilshaw: All right. Thank you, Mr. Taormina. Any questions for our planning staff? I don't see any questions for our planning staff. Our petitioner or their representative, I believe is here this evening. You can come forward to our podium, which is over on this side today, and introduce yourself with your name and address, please.

Michael Longo, standing in for Sam Fakhri on short notice due to personal issues and on behalf of Maple Real Estate Group. To my right is Mr. Ron Edwards, who probably has more ideas to this process that's going on right now.

Ron Edwards, EGI Architects, 440 Burroughs Street, Detroit, Michigan 48202. We are the architects and planners for this project.

Mr. Wilshaw: Okay, very good. Thank you for coming this evening, gentlemen. Is there anything that you'd like to present to us about this project that hasn't already been covered?

Mr. Longo: I think everything was covered thoroughly with the introduction.

Mr. Wilshaw: Okay.

Mr. Longo: I was attempting to keep track. I've been given specific notes from Sam, and I'll do my best to keep up to speed on this. I believe the tree screen with regards to the boundary was noted, as well as the six-foot vinyl fencing at the same boundary. With regards to the entire boundary, it's going to be surrounded. Also, my understanding that the dumpsters that will be on the property are going to be housed and moved further away from

the residential property. I believe that there was a letter that was sent this afternoon via email to some members of the commission to let them know as to these points. In addition to those matters and based on the representations that have been made during the study process last week, there will be a stringent application process. People that are going to apply to become residents they will have to have a 675-credit score, no history of nonpayment or rents, proof income, credit references. I believe that those issues were parsed well in the letter that I was CC'd on so I'm not sure I have much to add, other than I believe that it resolves the issues that were brought to our attention at the last meeting.

Mr. Wilshaw: Okay, thank you Mr. Longo. We did receive a detailed letter from the petitioner. So, we appreciate that. Is there any questions for our petitioners representative from any of the commissioners?

Mr. Long: I can't tell on the map can somebody let me know where the dumpster is now or going to be located?

Mr. Taormina: I can help you with that. Referring to the site plan, one of the dumpster enclosures is adjacent to Building #1, located here. We asked the petitioner to identify more precisely where the location of this dumpster relates to the land uses to the north. As you can see, the commercial building to the north is now shown on the plan and the trash dumpster would be directly across from this building. The first residential lot on Grandon is located here. A second dumpster is located here on the property and would serve Building #3, primarily. The third dumpster shown on the plan is situated here and would serve Building #2. This one probably, while it is away from the residential, may not be the best placement given its direct proximity to the front of that apartment building.

Mr. Long: Thank you.

Mr. Wilshaw: Thank you, Mr. Long. Any other questions for our petitioner?

Mr. Caramagno: One of the questions I've got, and it's not actually related to the buildings, but now that we see there's going to be a six-foot vinyl fence going up around the property, how are you going to address existing fences that neighbors have currently with your six foot vinyl fence?

Mr. Longo: Doing the best that I can with the limited information that I have, and I apologize. I'm unaware of any actual neighborhood fencing that would need to be removed or replaced with regards to our vinyl fence. It's just my indication from Sam that we'd be putting the vinyl fence up and then be surrounding that with spruce trees on the neighboring boundaries for the residential areas up there. I'm not aware of any fencing that needs to be replaced or anything that would be...

Mr. Caramagno: If there is any existing fence, Mark, what do they do with that?

Mr. Taormina: That could become an issue since the City does not like to see two fences only inches apart. In the past, we ask that the developer work with the homeowner(s) to hopefully have the chain link fence removed and replaced with the six-foot-high vinyl fence. If they're not willing to do that, we can work out an arrangement to have both the fences, as long as there's a plan for maintaining the area between the two fences. That's really the main concern. The maintenance between the two fences.

Mr. Caramagno: Yeah, I think it's an item that certainly is not worth hanging this deal up over, but it's something that you need to be aware of when you're working with the neighbors to get this as good as possible. So, thank you.

Mr. Wilshaw: Thank you. All right. Thank you, Mr. Caramagno. Any other questions for petitioner? I don't see any other questions from the Commission. Let's see if there's someone in our audience who wishes to speak on this item, then we'll give you a chance to come back up and make any last comments. All right, Mr. Longo?

Mr. Longo: Absolutely. Thank you.

Mr. Wilshaw: Thank you. Is there anyone in the audience wishing to speak for or against this petition? If so, I suppose there's a few folks, please come forward. We'll ask that you start with your name and address and please limit your comments to two to three minutes and if you can be succinct so everybody can be heard. Good evening, ma'am.

Sarah Matusz, 29197 Grandon, Livonia, MI. That kind of puts me right by that dumpster, and I'm really not happy with it. I feel these apartments are going to take the value of our homes down. And I'm not for it at all. I would rather see one story. Maybe a condo like there is just next door, but you can tell I'm not for it. So, I

don't know what else to say about it. It's terrible. I've been there over 40 some years. I had no problem. Now all of a sudden, you're going to put this right in my backyard, and I'm going to be right next to a dumpster.

Mr. Wilshaw: Alright, well, we appreciate your comments. Mrs. Matusz. Thank you. Good evening.

Jeff Wilshaw, 29137 Westfield Street, Livonia, MI. Grandon is the next street over from mine. As I mentioned at the zoning meeting we had, I've felt the density of this property was way too much. I understand a owner of property needs to be able to utilize his property, but if this was something that was a little bit more size wise from a viewpoint of what the condominiums to the south are, I would be totally in favor of that, I understand that. And the new information I saw today with regard to the chain link fence, all the fences in the neighborhood are three foot high. A lot of them are in poor shape because the frost and the heave and whatnot. So, a double fence would be pretty poor. The other thing is too is with doing a lot of trees, along the fence line, behind the trees ends up becoming a trash collection agency. All you got to do is look at any of the Edward Rose properties around the area, and every single time you see all these beautiful trees, right up against the fence, and it's nothing but a trash dumpster, and they just don't police it. I'm sure these people, they might police it, they might not, but I'm just telling you from my viewpoint, and I've seen it thousands of times, it's just the trash collection part. So, you know, I don't know what to do different, but that's where I'm at. And if we could reduce the density a little bit, I would be all in favor of it. If we're continuing at the same real heavy density, I'm sorry, you know, this is not a big track a land that is meant to have an apartments and credit scores and all that stuff and monthly rent doesn't matter. I've got friends that live in brand new, Live or Live or whatever they're calling it by the Costco off of Haggerty and it's a trash pit. It's a horrific place to live, and I wouldn't recommend it for anybody, and that's a couple thousand bucks a month rent. And so that's where I'm at. Thank you very much for your time. Have a blessed day.

Mr. Wilshaw: Thank you. Good evening, sir.

Bill Schmidt, 29688 McIntyre, Livonia, MI. In the general neighborhood of where this development is proposed. At the planning meeting last week, I mentioned that there is not a single multifamily rental unit within the entire square mile of Section 36. Nor is there a one in the square mile of Section 35 or 34 or 33. There's nothing

in 29, 28, 27. According to the Livonia 21 plan, the idea is to have like establishments in proximity to one another. There's nothing like this around, not for miles. You have to go up to Five Mile Road to get to a multi-family rental unit. This is in violation of the Livonia 21 plan. It is not in keeping with a single-family neighborhood. Not in five years, and certainly not in 50 years, when the extended lifespan of this apartment would come to its end. This is not in benefit to the single-family homes, to the folks that have lived there for 40 years, 50 years. This is a violation of their trust in you to do the right thing and protect their property. You wouldn't want one in your neighborhood. So, I thank you for your time, and I implore you to vote no, on this proposal. Thank you.

Mr. Wilshaw: Thank you Mr. Schmidt. Good evening, sir.

Sean Murphy, 29481 Westfield Street, Livonia, MI. In fact, on that map, that plot map, my house is right on it, and I'm here to express my objections. This is going to change the entire nature of this neighborhood. In fact, just recently, Emerson split in half and sold half of that parcel just in the same neighborhood, and they didn't erect a giant apartment complex. They're building single family houses because that's what is in this area, single family houses. If you've been to that lot, that lot is tiny. You can blink and you can drive right past. It took me twice to go by it and I see it. This is a tiny lot and you're going to put three apartment buildings on it. I'll give it five (5) years, 10 max. This place is going to be trash and it's going to negatively impact this entire neighborhood and this whole area. You know, I was born and raised in Livonia, I moved into Livonia, I bought my own house in Livonia in a single-family neighborhood. This is earshot of...hit a golf club at this thing. And, you know, if you guys put me on notice that...I wouldn't have bought this house, frankly, you know, it's just not for it. I think somebody on this board actually announced that it exceeds the master plan in terms of in terms of density. So, how is this even here? You know, we have a Livonia, we have a nice neighborhood in there, and this is just, this is just not something that fits into the equation of the neighborhood that is Livonia. So, you know, I just like to express my complete disgust with the plan. And, you know, I hope everybody here votes this down.

Mr. Wilshaw: Thank you, Mr. Murphy. Good evening, sir.

My name is Don Shekell, 29161 Grandon, Livonia, MI. I've been a resident there on that street since they first built those homes in 1955. So, I

know the history back there and everything. A couple of issues with this one is and it's been mentioned several times. It's the density of the housing units. And it's not just the fact that it is on 1.7 acres, or whatever, and there's so many units allowed. So, the units have to be pushed back, because the front side of that property is very narrow, so you can't build anything up there. So, it has to be all pushed back. So, you got the three units pushed back right behind our houses. One of the things I thought we'd find out in this meeting is what are the waivers that this developer is asking for? Because normally what would be the amount of distance from our lot lines, where they'd be able to build a structure if it was zoned housing instead of our commercial?

Mr. Wilshaw: We will try to get that question answered for you after everyone's done.

Mr. Shekell: Then the other thing is to Mr. Taormina brought up the third dumpster. Didn't think it was good because it is right outside the one building. So where is he planning on putting the dumpster, right behind my house? Okay, then you talk about the fencing. The fence line along there...we all have the cyclone fences. Been there for years and years and years. Okay, and you want to put trees right along the fencing. So, how am I going to clear the growth on the other side of my fencing? Secondly, you have the electrical lines. So, what did we do? Plant a bunch of trees underneath the electrical lines and then in a couple years, they got to come and cut them all down because they're interfering with electrical lines. That's one thing that needs to...that was a simple thing to look at. Totally against the entire project. It's too dense for the area. The buildings are too close to the property lines. You just got like I said, what a lot of people mentioned already a lot of issues with this. It's a bad idea. Very bad idea.

Mr. Wilshaw: Thank you, Mr. Shekell. Appreciate you coming. And we have one more lady to speak. Good evening, ma'am.

My name is Karen Shekell, 29161 Grandon, Livonia, MI. I grew up in that house. Moved in in 1962 with my mom and dad and brother and we knew the Ventura's. Nice people, wonderful people. I understand why Pete wants to sell the property, no big deal., and I understand too that the property needs to be developed for some reason. Somebody thinks that's a good idea. The apartments are a horrible idea, horrible. My biggest concern is the proximity to our yard. And where our property line...and where this building is going to be. My second concern are those

dumpsters, I don't care where you put them. We already have rats in our neighborhood as most people that I know in Livonia neighborhoods, there is a rat issue, and the more dumpsters you put up, the more food is going to end up on the ground. You're gonna get a bunch of animals going over for it, and we're going to have more rats. I don't want more rats. I don't want the smell. I don't want an apartment complex. I'd be fine if you wanted to okay, a condo unit even if it's two stories, I'd prefer one. I'd prefer just green space. But I think that when we come into the City of Livonia and any main street you come in it says families first. And I'm not seeing that because everything so far has been going through with no problems. So, are you looking at the families you want to bring into the city? Are you looking at the families that are already here or everyone as a whole? Because to me it looks like you're only interested in the people that are coming in. Right now you're not looking at the people who are already living here. We've been here for a long time, a lot of us. Sara, my husband and I, a long time and we don't want this complex. So, I really implore you to vote no on it. Thank you for your time.

Mr. Wilshaw: Thank you, Mrs. Shekell, Is there anyone else wishing to speak for or against this item? believe everyone else has had a chance to speak. So, I'm gonna give the petitioner a chance to come up...their representatives and say anything if they wish, based on the comments that they've heard. Make any closing comments.

Mr. Longo: I think it's only fair to respond to a few of these, even though we may never see eye to eye. First, I want to thank everybody for your comments. I'm filling in. So...

Mr. Wilshaw: Please address your comments to us.

Mr. Longo: My apologies, I have a couple of comments with regards to property values going down. I'm not sure where that would come from, or if that's even the case. With regards to condos rather than apartments, I think that's something that they explored, and the cost of materials, the cost of labor shortages out there, it just is not feasible. Whether or not condos would be a different density from apartments, I'm not sure if that's actually a thing. With regards to dumpster issues, we've already gone over the fact that the whole property is going to be lined by the fencing. So, it's not going to be visible. The dumpsters themselves are going to be encased in their own little compartments, so the smells aren't going to escape. I'm

assuming that there's gonna be a latch on front of those, so animals aren't going to get in, and like any sort of dumpster compartment would have on the lots. Let's see... the density issue I hear coming up an awful lot. It's my understanding that the housing alone is going to be 11,000 square feet total. However, the total land that's gonna be left over that which will be used as landscaping and greenery will be around 51,000 square feet, you know, for landscaping, and parking lots and everything like that. So, there's a really a five to one as to what's going to be housing and what's going to be everything else. Let me see, we've already touched on the double fencing issue. That's not going to be a thing. We're going to have single fencing, if the use is permitted. I'm trying to address the trash collection idea in my mind, and again, it's my understanding that the fencing will be on the outside of the trees. The trees will be on the inside of the lot. So, any kind of trash, that's a collection at the base of the tree, I presume would be, you know, that's created from the apartment complex I would assume it to be on the inside of that fencing not visible with regards to any of the adjacent residents. Let's see what else... I think that's pretty much all I have to say about that. I did know that a lot of the individuals were making note how this has been this way since you know, the 60s or the 50s, and it sounds like the preferred No. No development and just have remain as is and I'm not sure if that's an option or not. So, I have nothing further to add. Alright,

Mr. Wilshaw: Alright, Mr. Longo, do you want to stay up there for one second. We'll see if there's any additional questions from any of our commissioners before we close things out. Is there any questions for petitioner? If no...Mr. Longo, I do have one question for you. In regard to property management, how is this property going to be managed? Is there going to be a designated manager? Is there going to be a person on site? How's that going to be?

Mr. Longo: It's my understanding is there's gonna be a property management on site to take care of the property itself. Sam's office deals with a couple of different property managers that manage properties in Warren, East Pointe, Livonia, and I think there's a couple other areas. Lincoln Park, I think is another one. Mostly these management companies, they manage apartment complexes, they manage regular housing. So, they're used to the issues that arise. They're used to getting rid of people that are trashing places. So, I think they're really on top of their game, from everything that I've seen at his office for the

last nine years. So, a property management company for sure on site.

Mr. Wilshaw: Okay, so will there be an office for them to be in? Or is it going to be a person who's a resident full time?

Mr. Longo: I don't have that information on hand. But I know that there's going to be property management, and if it's the recommendation of the Commission to have an office on site, I don't see why they wouldn't be opposed to that.

Mr. Wilshaw: Okay. All right. Thank you. Is there any other questions from any of our commissioners? One more shot? If there is nothing...Ms. McCue?

Ms. McCue: I think the one thing that I need clarification on is the fencing. I've heard that there isn't any fences on the adjoining adjacent properties, but yet people are telling us that there is and forgive me, I guess I did not explore that close enough to really know. I'm a little concerned. at this point about approving it, and then ending up with double fencing, because that is a huge problem.

Mr. Longo: Right. And I don't have any information as to whether or not there is fencing that's on that property that would be in the way of any fencing that we would put up with regards to this development. I don't have information with regards to that, and I'm not sure if anybody actually brought proof that they are on that line.

Mr. Wilshaw: All right., Mr. Bongero.

Mr. Bongero: To Betsy's point, there is fencing on that northside. Pretty much every yard had fencing on there. So, it's going to be an issue coming up.

Mr. Wilshaw: Yeah, Cyclone fences.

Ms. McCue: So, I guess my question is, how do we address that? And I don't know if that goes back to Mr. Taormina, or goes back to the petitioner? I'm not sure. But that's a problem.

Mr. Wilshaw: It's a fair question. Yes. Mr. Taormina? Is there any thoughts?

Mr. Taormina: I think I responded to that question previously, is that we try to have just a single fence, but if a homeowner is insistent on maintaining their chain link fence, then the result would probably

be double fence line. So, it may be a combination of one or two fences along the north side of the property. If the site plan shows that there must be either a wall or a six-foot vinyl fence, then that has to be installed. Again, we try to have the petitioner work with the adjoining property owners to see if the fence can be removed. But it's not always...

Ms. McCue: It's just not always going to happen. Right. I guess that's my point. Okay, thank you.

Mr. Wilshaw: And that's also when you run into a situation that some of the residents describe where it's difficult to trim grass or weeds that are growing up between double fences. There's no way to get in between those. So, it becomes a real tidiness issue. So okay, then you're all set Ms. McCue? Great, thank you. And there was one other question, Mr. Taormina, that was asked by a resident, and I wanted to make sure we answer in terms of any waivers or anything in terms of side yard setbacks, a lot line or anything for this property, or is this a conforming development that's before us?

Mr. Taormina: Per the ordinance, as a Planned Residential Development, the plan is afforded a great degree of flexibility and discretion. It's really something that the Planning Commission and City Council determines through the review process. What the appropriateness is in terms of the height, area, and bulk standards. If this were proposed as a conventional multifamily development, depending on the zoning classification, the setback distance would vary from between 25 to 50 to 75 feet. If these were three-story buildings, the minimum setback would be 75 feet. For the NM2 multifamily classification, which allows for apartment buildings, the minimum required setbacks for the side and rear yards vary between 25 and 50 feet. To show you what the setbacks are for this project, Building #1 at its closest point is 20 feet from the north property line. Building #2 at its closest point is about 30 feet from the property line. As you can see, as the buildings continue further to the east, the setback for both buildings increase slightly, varying from between 20 to 50 feet.

Mr. Wilshaw: Okay. Thank you. I appreciate that. If there's no other questions. Oh, Ms. Smiley.

Ms. Smiley: On that note, they were specifically asking what other waivers they had to have. Their dumpsters away from the property line, at least 20 feet, right?

Mr. Taormina: There is no minimum setback requirement for a dumpster. So, there's no waiver, if you will, being sought relative to the placement of the dumpster. Again, this is a PRD, a Planned Residential Development, and it's really something that is determined by the Planning Commission and City Council.

Ms. Smiley: So, there's no other waivers besides the setbacks that they're...

Mr. Taormina: We talked about the parking. The original plan showed a few more parking spaces. The standard zoning recommendation is two (2) spaces per unit which would be 48 total spaces. The zoning ordinance, however, allows us to look at other sources, including the Institute of Traffic Engineers Manual. When we do that, the recommendation is something slightly less than two spaces per unit. In this case, they're showing 1.75. We believe that is adequate and is in line with other recently approved multi-family developments. Thus, we're not concerned with the amount of parking shown on the plan.

Ms. Smiley: Okay.

Mr. Taormina: We also mentioned the density. The Master Plan recommends a range of between 5 to 14 dwelling units per acre. In this case, they're proposing 16-½ dwelling units per acre. So, it is slightly higher. There's about a four-unit difference between what this project shows and what the Master Plan, not the Zoning Ordinance, would recommend in terms of overall density.

Ms. Smiley: Okay, and didn't we discuss about doing away with some of the parking so that there would be more green space?

Mr. Taormina: That was really intended to increase the buffer along the single family property lines, in order to get enough space for a row of evergreen trees in order to supplement the screening with not only the fence, but to also include some full-size evergreen trees. In this case, they're showing spruce trees.

Ms. Smiley: Thank you, Mr. Chair.

Mr. Wilshaw: Thank you, Ms. Smiley. Any other questions or comments from any of the commissioners? I think we're all set then. Thank you, Mr. Longo, for coming.

Mr. Longo: Thank you so much.

Mr. Wilshaw: With no other further questions or comments, I'm going to close the public hearing at this time. And a motion would be an order.

On a motion by Caramagno, seconded by Smiley, it was:

RESOLVED, That pursuant to a Public Hearing having been held by the City Planning Commission on May 17, 2022, on Petition 2021-12-02-27, submitted by Maple Real Estate Group, L.L.C. requesting special waiver use approval to develop a Planned Residential Development pursuant to Section 5.02 of the Livonia Vision 21 Zoning Ordinance, consisting of an apartment complex made up of three (3) buildings and twenty-four (24) dwelling units, on the properties at 9106 and 9120 Middlebelt Road, located on the east side of Middlebelt Road between Joy Road and West Chicago Avenue in the Southwest $\frac{1}{4}$ of Section 36, the Planning Commission does hereby recommend to the City Council that Petition 2021-12-02-27 be approved subject to the following conditions:

1. That Site Plan, identified as drawing 1, dated May 9, 2022, as revised, prepared by Edwards Group International, Inc. is hereby approved and shall be adhered to.
2. That the Landscape Plan, identified as drawing OF, dated May 10, 2022 prepared by Edwards Group International, Inc. is hereby approved in concept, except that a final plan prepared by a registered landscape architect shall be submitted to the Planning Department for approval prior to any construction, said plan shall include a continuous row of evergreen trees along the north and east property lines where the site abuts any single-family properties, and shall properly identify all proposed plants according to species, size and numbers.
3. That all disturbed lawn areas, including road rights-of-way, shall be sodded in lieu of hydroseeding.
4. That underground sprinklers are to be provided for all landscaped and sodded areas and all planted materials shall be installed to the satisfaction of the Inspection Department and thereafter permanently maintained in a healthy condition.

5. All parking spaces, except the required handicapped spaces, shall be doubled striped at ten feet (10') wide by twenty feet (20') in length as required.
6. That the Exterior Building Elevation Plans, identified as drawings 5 and 6, dated October 12, 2021, prepared by Edwards Group International, Inc. are hereby approved and shall be adhered to.
7. That the maximum height of any pole-mounted light fixtures shall be sixteen feet (16') and shall be located and shielded to prevent light trespass and glare on adjacent properties.
8. That the exterior walls of the trash enclosures shall be constructed out of the same brick used in the construction of the buildings, and the enclosure gates shall consist of solid panel steel or durable, long-lasting solid panel fiberglass.
9. That the Petitioner shall work in cooperation with the abutting residential property owners to avoid the issue of double-fencing along the subject site's property lines.
10. That the issues as outlined in the correspondence dated May 9, 2022, from the Fire Marshal, including the recommended width and vertical clearance of the roadway and the placement of fire hydrants, shall be resolved to the satisfaction of the Department of Public Safety, Livonia Fire and Rescue.
11. That this site shall meet either the City of Livonia or the Wayne County Storm Water Management Ordinance, whichever applies, and the developer shall secure any required permits, including storm water management permits, wetlands permits and soil erosion and sedimentation control permits.
12. The developer and all contractors and subcontractors shall employ best management practices to prevent, reduce and mitigate the problems associated with soil erosion and airborne dirt and dust from migrating off-site, including provisions for erosion control barriers, daily street sweeping, watering, and halting earthwork activities on days when the wind conditions are likely to cause a problem.

13. That only a conforming entrance marker is approved with this petition, and any additional signage shall be separately submitted for review and approval by the Zoning Board of Appeals.
14. That all required cash deposits, certified checks, irrevocable bank letters of credit and/or surety bonds shall be deposited with the City prior to the issuance of engineering permits; and
15. 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 a building permit is obtained, this approval shall be null and void at the expiration of said period.

FURTHER RESOLVED, That notice of the above hearing was given in accordance with the provisions of Section 13.13 of Livonia Vision 21 Zoning Ordinance.

Mr. Wilshaw: Is there any discussion?

Ms. Smiley: Could we put something in there that they will work to eliminate that double fence thing? To work with the neighbors or try to come up with a plan so that we don't have the double fence area?

Mr. Wilshaw: Mr. Taormina? Do you think there's a way that we can incorporate something like that?

Mr. Taormina: Yes, we would have to figure out some language to encourage that as best as possible. I'd have to find out more from the Inspection Department, what they normally do when they're confronted with this issue.

Ms. Smiley: Thank you.

Mr. Wilshaw: Okay. And Mr. Caramagno? You're okay?

Mr. Caramagno: Yeah. It's something to encourage the one fence solution. That's all.

Mr. Wilshaw: Okay. Any other questions or comments on this motion? If there's nothing then Mr. Secretary, please call a roll on a motion to approve

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

AYES: Caramagno, Smiley, McCue

NAYS: Bongero, Long, Wilshaw.

Chairman Wilshaw declared the resolution failed due to lack of majority.

Mr. Wilshaw: I will now open the floor up to any additional motions.

Mr. Long: Mr. Chairman, obviously, with a three-to-three vote, a denying resolution is likely to meet the same fate. So, when we have a hung jury, what are our options here?

Mr. Wilshaw: Well, we could try a vote on a denying resolution and see if anybody's going to change their mind. It's not to say that they will.

Mr. Long: Correct.

Mr. Wilshaw: Beyond that, we're at a stalemate.

Mr. Long: So, with a stalemate, then does it go on to City Council with no recommendation?

Mr. Taormina: I know that when City Council is confronted with this same situation, they render a determination that the project is denied for failure to have a positive vote. So, your option is to either leave it as is or consider an alternative motion that would see if there's a majority that would be in favor of tabling the item to allow the petitioner to come back with any changes that might meet the Planning Commission's approval.

Mr. Wilshaw: That's a good, good suggestion. Tabling is always an option. Mr. Long?

Mr. Long: So, I would understand that with City Council, because they're the ultimate arbiter of that. We're just recommending. Since we're just recommending, it would seem to me, to be prudent, to just send it along with no recommendation.

Mr. Taormina: I guess my point is, if I may, Mr. Chair, in that case we would advise the petitioner that they would have to file an appeal to move this forward to the City Council. Whether it was formally denied or failed due to a lack of majority, it would have to go through the appeal process to be heard by Council.

Mr. Wilshaw: Exactly. And at the end of the day, just so the folks in our audience are aware, we are just a recommending body to City Council. They are the ultimate decider of all our petitions that come before us this evening. We are just simply vetting the process and trying to give a recommendation as to whether it should be approved or denied. Ultimately, City Council will have to make that decision. So, if there is no other motions offered by any of the commissioners, which there are, we've heard a couple different options laid out before us, I'll give one more chance to see if there is any other motions.

Mr. Bongero: We're not going to invite them back and table this, right? That's kind of out.

Mr. Wilshaw: Tabling is always an option. If you think that there's some changes that could be made that would change the vote process by anybody, if we don't think that's the case, and we just want to let this proceed on to the City Council, then we would not offer any other additional motions at this time, and it would effectively be denied by lack of support, and then they could appeal to City Council.

Mr. Bongero: Thank you.

Mr. Wilshaw: Is that clear to everybody? And there's no other motions from anybody? If not, then that's where we're going to leave things standing. We do not have support for this recommendation to approve this. Therefore, it is by proxy effectively denied. You will have 10 days in which to appeal the decision in writing to City Council. All right, Mr. Longo? Thank you to everyone who came this evening. And if you want to continue to follow this through City Council, please make sure to look for those meetings in the future if that is appealed and goes on to their agenda. All right. Thank you everyone. With that we will now move on to item number two on the public hearing section of our agenda.



LETTER TO THE LIVONIA CITY COUNCIL

13.

Finance
August 9, 2022

MEETING DATE

R082222

PREPARED BY

DeAnne Bates, Program Supervisor,

AGENDA ITEM

REQUEST TO SCHEDULE A FINANCE AND BUDGET COMMITTEE MEETING AND TO ESTABLISH A PUBLIC HEARING DATE: Department of Finance, re: for the Annual Budget for the fiscal year ending November 30, 2023.

BACKGROUND

It is respectfully requested that you call a meeting of the Finance and Budget Committee on Wednesday, September 21, 2022 for presentation of the annual budget (to be held in the 5th floor gallery) and establish a Public Hearing on the annual budget for the fiscal year ending on November 30, 2023 to be held on Monday, October 3, 2022.

RECOMMENDATION

Schedule Meeting

FISCAL CONSIDERATION

N/A

ATTACHMENTS

None

APPROVED BY

Michael Slater, Finance Director

Date: August 10, 2022

Maureen Miller Brosnan, Mayor

Date: August 12, 2022



LETTER TO THE LIVONIA CITY COUNCIL

X1.

Council Office
August 16, 2022

MEETING DATE

R082222

PREPARED BY

Sara Kasproicz, Council Office Manager,

AGENDA ITEM

X1. REQUEST TO AMEND COUNCIL RESOLUTION 228-22: Samantha Shedlock, re: in order to reflect the correct date to host a wedding with a DJ at the property located at 32279 Camborne Lane, on Friday, August 26, 2022, from 5:00 p.m. to 12:00 a.m.

BACKGROUND

Noise waiver request submitted by Samantha Shedlock in order to host a wedding with a DJ at the property located at 19035 Milburn Street, on Friday, August 26, 2022, from 5:00 p.m. to 12:00 a.m.

RECOMMENDATION

To approve request as submitted

FISCAL CONSIDERATION

N/A

ATTACHMENTS

1. R072522 Shedlock noise ord waiver CR 228-22
2. S071122 Noise Ord Waiver -Samantha Shedlock Minutes
3. LTC S071122 Noise waiver - Samantha Shedlock
4. S071122 Noise Waiver req - Samantha Shedlock

APPROVED BY

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

#228-22 RESOLVED, that having considered a communication from Samantha Shedlock, dated June 23, 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 wedding with a DJ, to include catered food, games and dancing, at the property located at 32279 Camborne Lane, on Saturday, August 20, 2022, from 5:00 p.m. to midnight, the Council does hereby determine to waive Section 8.32.070 (Noise Control) of the Livonia Code of Ordinances between the hours of 5:00 p.m. and midnight in connection with this event to be held on Saturday, August 20, 2022.

<i>CONSENT AGENDA ITEM 2 (Regular Meeting of July 25, 2022)</i>

Motion:	Toy
Second:	Bahr
Ayes:	Bahr, Donovic, Morgan, McCullough, McIntyre, Toy, Jolly
Nays:	None
Absent:	None

**CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD JULY 11, 2022**

Meeting was called to order at 8:30 p.m. by President Jim Jolly. Present: Brandon McCullough, Kathleen McIntyre, Vice President Laura Toy, Scott Bahr, 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, Don Rohraff, Director of Public Works, Jacob Rushlow, Assistant Director of Public Works.

2. REQUEST TO WAIVE THE CITY’S NOISE ORDINANCE: Samantha Shedlock, re: in order to host a wedding with a DJ at the property located at 32279 Camborne Lane, on Saturday, August 20, 2022, from 5:00 p.m. to 12:00 a.m.

Samantha Shedlock, 19035 Milburn Street, presented the request to Council.

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

DIRECTION:

APPROVING

CONSENT



LETTER TO THE LIVONIA CITY COUNCIL

2.

Council Office
June 24, 2022

MEETING DATE

Study Meeting of July
11, 2022

PREPARED BY

Sara Kasprowicz, Council Office Manager,

AGENDA ITEM

REQUEST TO WAIVE THE CITY'S NOISE ORDINANCE: Samantha Shedlock, re: in order to host a wedding with a DJ at the property located at 32279 Camborne Lane, on Saturday, August 20, 2022, from 5:00 p.m. to 12:00 a.m.

BACKGROUND

Noise waiver request submitted by Samantha Shedlock in order to host a wedding with a DJ at the property located at 19035 Milburn Street, on Saturday, August 20, 2022, from 5:00 p.m. to 12:00 a.m.

RECOMMENDATION

To approve request as submitted

FISCAL CONSIDERATION

N/A

ATTACHMENTS

1. LTC S071122 Noise waiver - Samantha Shedlock
2. S071122 Noise Waiver req - Samantha Shedlock

APPROVED BY

**REQUEST FOR NOISE WAIVER BLOCK PARTY and/or
BARRICADING OF CITY STREETS**

Send to: Livonia City Council, c/o City Clerk, 33000 Civic Center Drive, Livonia, MI 48154-3097
or hand deliver to the City Clerk's Office at least 8 weeks prior to the planned event

PLEASE PRINT

Date of Application: 6/23/2022 Date to appear at a Council Meeting: 6/27/2022

Name of Neighborhood Representative: Samantha Shedlock

Address (please include zip code): 19035 Milburn St. Livonia MI 48152

Telephone Number with area code: Home: (513) 435-3750 Office: _____

Email: Samantha.Shedlock@gmail.com

Please circle what is being requested - **"BLOCK PARTY"** and/or **"STREET BARRICADING"**

8/20/2022 _____ 5 PM 12 AM
Date of Block Party _____ Rain Date _____ Start/end time of Block Party and/or Barricading
and/or Barricading _____ End time is no later than 10:00 p.m.

Wedding
Location of ~~Block Party~~ and/or Barricading: (Be specific. Indicate which streets and between which boundaries).

Hubbard St. between 5 and 6 Mile.

32279 Camborne Street. Livonia MI 48154

Type of Event: Briefly (Describe activities planned. Music, barbecue, games, etc.) Wedding, we will
have a DJ. catered food. games dancing. Possible game

How many barricades are you requesting (max. 10)? None -

Approximate Number Attending: 120

Date of Council Approval/Denial: _____

Council Resolution Number: _____