

MINUTES OF THE ONE THOUSAND NINE HUNDRED FIFTIETH
REGULAR MEETING AUGUST 8, 2022

On August 8, 2022, the above meeting was held at the City Hall, 33000 Civic Center Drive, Livonia, Michigan, and was called to order by the President of the Council at 7:00 p.m. Councilmember Donovic led the meeting with the Pledge of Allegiance.

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

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

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

#236-22 RESOLVED, that the Minutes of the 1,949th Regular Meeting of the Council held July 25, 2022 are approved as presented.

Don Rohraff, Director of Department of Public Works, addressed Council to provide an update on the City's response to the recent storms that occurred on August 3, 2022. Mr. Rohraff indicated the most impacted sections of the City were 19-22. Mr. Rohraff thanked the staff and crew members of DPW, DTE Energy and Sod Solutions for all of their assistance and indicated he estimated it would take close to two weeks to completely remove all of the debris and clean up the storm damage throughout the City.

Susan Nash, City Clerk, thanked Director Rohraff and the Department of Public Works staff for all of their assistance last week with the Primary Election.

During Audience Communication, Carrie Budzinski, 9345 California, addressed Council on behalf of the Library Commission. Ms. Budzinski encouraged Council and residents to attend the many events hosted by the Library throughout the year. Ms. Budzinski indicated she felt compelled to bring to the Council's attention the glass elevator at the Civic Center Library was not working and two of the three air

conditioning chillers at the Library were inoperable. Ms. Budzinski concluded by stating she was hoping the Council would see that these building issues are resolved quickly for the staff members of the Library and its' patrons.

Emily Keith, Livonia resident, addressed Council to state she was hopeful the Council would consider a robust Non-Discrimination Ordinance ("NDO") be adopted on behalf of the City.

Darrell Smith, 14006 Brookfield, stated he thought the recent "Shakespeare in the Park" was a wonderful event and wanted to thank whomever was responsible for organizing it. Mr. Smith also indicated he was in support of a Non-Discrimination Ordinance.

Penny Crider, Livonia resident, indicated she was opposed to a Non-Discrimination Ordinance and thought it was not necessary.

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

#237-22 RESOLVED, that upon a motion by Vice President Toy, seconded by Councilmember Brandon McCullough, at the Council Regular Meeting held August 8, 2022, the Council does hereby refer the building issues regarding the Jack Bennett Civic Center Library to the Administration for its report and recommendation.

Councilmember Donovic thanked the DPW crews for their diligent work last week to clean up the City following the storms. Councilmember Donovic also stated there was a great event this past weekend in the City at Greenmead, the Annual Highland Games and thanked all who volunteered.

Councilmember McIntyre stated this past weekend was the 173rd Annual Highland Games hosted by the St. Andrew's Society of Detroit and had been held for many years at Greenmead. Councilmember McIntyre thanked all who volunteered at the event.

Councilmember McCullough announced the Tour de Livonia will be held on Sunday, September 18th and encouraged residents to volunteer at this event by visiting various social media outlets including Facebook, Instagram, Twitter and the home page for the Parks and Recreation Department on the City's website.

Councilmember Bahr wanted to give a "shout out" to Greg and Charity Gould for organizing a great volunteer clean-up event at the Sandburg Library. Councilmember Bahr indicated he received both before and after photos and thought it was a great success.

President Jolly announced there was new data for Agenda Items #11 and #13.

A communication from the Office of the City Clerk, dated July 12, 2022, re: forwarding a communication from Jeffrey Bunker, Secretary for Clarenceville School District, dated May 20, 2022, requesting the City continue to collect the district's taxes for the year 2022, was received and placed on file for the information of the Council.

A communication from the Office of the City Clerk, dated July 12, 2022, re: forwarding a communication from Lynda S. Jackson, Secretary, Wayne RESA, dated June 15, 2022, requesting the City continue to collect taxes for the year 2022, was received and placed on file for the information of the Council.

A communication from the Office of the City Clerk, dated July 12, 2022, re: forwarding a communication from Pamela Lane, Clerk, Charter County of Wayne, dated June 7, 2022, requesting the City continue to collect taxes for the year 2022, was received and placed on file for the information of the Council.

A communication from the Office of the City Clerk, dated July 27, 2022, re: forwarding a communication from Karen Bradford, Livonia Public Schools School District, dated June 13, 2022, requesting the City continue to collect the district's taxes for the year 2022, was received and placed on file for the information of the Council.

A communication from the Office of the City Clerk, dated July 27, 2022, re: forwarding a communication from Barb DeMarco, Oakland Schools ISD, dated June 6, 2022, requesting the City continue to collect the district's taxes for the year 2022, was received and placed on file for the information of the Council.

A communication from the Office of the City Clerk, dated July 27, 2022, re: forwarding a communication from Brian D. Broderick, Schoolcraft College, dated May 25,

2022, requesting the City continue to collect the district's taxes for the year 2022, was received and placed on file for the information of the Council.

A communication from the Office of the City Clerk, dated July 27, 2022, re: forwarding a communication from Jeremy Curtis, Plymouth Road Development Authority, dated May 24, 2022, requesting the City continue to collect the district's taxes for the year 2022, was received and placed on file for the information of the Council.

A communication from the Office of the City Clerk, dated July 27, 2022, re: forwarding a communication from Rachael Eubanks, State Treasurer, State of Michigan Department of Treasury, dated April 1, 2022, requesting the City continue to collect the State Education Tax for the year 2022, was received and placed on file for the information of the Council.

On a motion by McIntyre, seconded by Bahr, it was:

#238-22 RESOLVED, that having considered a communication from Dan West, President, Livonia Chamber of Commerce, dated July 5, 2022, which requests permission to waive Section 8.32.070 (Noise Control) of the Livonia Code of Ordinances, as amended, in order to host a gathering with live music at Ford Field located at 33841 Lyndon, scheduled for Saturday, September 17, 2022, from 6:00 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 6:00 p.m. and midnight in connection with this event to be held on Saturday, September 17, 2022.

#239-22 RESOLVED, that having considered an email communication from Nick Cornell, General Manager, Supernatural Brewing Company, dated July 7, 2022, which requests permission to waive Section 8.32.070 (Noise Control) of the Livonia Code of Ordinances, as amended, to host the Wildwood Sourfest event with live music and DJs in front of Supernatural Brewing Company, located at 36685 Plymouth Road, on Saturday, August 27, 2022, from 3:00 p.m. to 11:00 p.m., the Council does hereby grant and approve this request in the manner and form herein submitted.

#240-22 RESOLVED, that having considered a communication from the Director of Housing, dated July 11, 2022, which bears the signatures of the Director of Finance and the City Attorney, and is approved for

submission by the Mayor, the Council does hereby approve the sale to Margaret Schmidt of the following City-owned scattered site housing property, acquired by the City of Livonia on May 27, 2003 from Irene G. Chester, utilizing Federal Community Development Block Grant (CDBG) Program funds, further described as:

20222 St. Francis Street: 01D206 ARGONNE SUB T1S R9E L40 P5 WCR LOT 206, for the appraised value and total purchase price of \$150,500.00; the action herein being taken in order to best serve the interests of the community and in accordance with Section 3.05.090.B of the Livonia Code of Ordinances, as amended, because the property was listed for sale on the Multiple Listing Service in an effort to attract bids from income eligible owner/occupants in order to increase housing stability and affordability and relieve the Housing Commission the unsustainable burden of the scattered site program, and Ms. Schmidt's bid was the only income eligible bid received; FURTHER, the total proceeds of such sale shall be allocated to the CDBG Program as program income; and the Director of Housing is hereby requested to execute a quit claim deed and such other documents as may be necessary or incidental to fulfill the purpose of this resolution; and the Department of Law is hereby requested to prepare and place in proper form such legal documents as may be necessary to consummate this transaction; and the City Clerk is hereby requested to have said quit claim deed recorded in the Office of the Register of Deeds and to do all other things necessary or incidental to fulfill the purpose of this resolution.

#241-22 RESOLVED, THAT WHEREAS, under the provisions of Title I of the Housing and Community Development Act of 1974, as amended, the Secretary of Housing and Urban Development is authorized to make grants to units of local government to help finance community development programs; and

WHEREAS, the primary objective of such Act is the development of viable urban communities by providing decent housing and suitable living environments and expanding economic opportunities, principally for persons of low and moderate income; and

WHEREAS, to obtain its Fiscal Year 2022-2023 entitlement funds under the Community Development Block Grant Program as authorized by the Housing Community Development Act of 1974, the City of Livonia must submit a statement of community development objectives and projected use of funds, satisfactory assurances that the Program will be conducted and administered in accordance with appropriate federal and state laws and Department of Housing and Urban Development regulations; and satisfactory assurances that, prior to submission of its Final Statement of

Community Development Objectives and Projected Use of Funds, it has (A) provided citizens with adequate information concerning the amount of funds available for proposed community development and housing activities; the range of activities that may be undertaken, the estimated amount of those funds proposed to be used for activities that will benefit low and moderate income persons, and other important program requirements, (B) held a public hearing to obtain the views of citizens on community development and housing needs, and (C) provided citizens an adequate opportunity to examine the content of and to submit comments on the proposed Statement of Community Development Objectives and Projected Use of Funds.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Livonia, Michigan, that the Final Statement of Community Development Objectives and Projected Use of Funds for the Fiscal Year 2022-2023 Community Development Block Grant Program is hereby approved and shall be submitted to the Department of Housing and Urban Development. FURTHER, the Director of Housing, Mayor/Clerk shall have the authority to execute the sub-recipient contracts.

#242-22 RESOLVED, that having considered the report and recommendation of the Director of Housing, dated July 13, 2022, which bears the signatures of the Director of Finance and the City Attorney, and is approved for submission by the Mayor, and which references proposed Hold Harmless Contracts between the City of Livonia and First Step; Fair Housing Center of Metropolitan Detroit; Wayne Metropolitan Community Action Agency; Cruz Clinic; Hegira Programs, Inc.; Stonebrook Counseling Associates, PLLC and the Collaborative Health Center for the period July 1, 2022 through June 30, 2023, in connection with CDBG-funded victim assistance, fair housing initiative and mental health counseling programs, the Council does hereby authorize the Mayor, City Clerk and Housing Director, for and on behalf of the City of Livonia, to execute hold harmless contracts that are acceptable to the Law Department as to form and content, as well as to do all other things necessary or incidental to the full performance of this resolution.

#243-22 RESOLVED, that having considered the report and recommendation of the Superintendent of Parks and Recreation, dated July 7, 2022, which bears the signature of the Director of Finance, and is approved for submission by the Mayor, the Council does hereby accept the bid of Motor City Fence, 209 South Blvd. E., Rochester Hills, MI 48307 for performing all work required in connection with the removal and replacement of the existing backstop and the installation of new player area fencing at Devonaire Park Ball Diamond #2, in an amount not to exceed \$21,083.00, the same having been in fact the lowest bid received which meets all specifications; FURTHER, the Council does hereby authorize the

expenditure of a sum not to exceed \$21,083.00 from funds already budgeted in Account No. 401-000-971-000 for this purpose.

#244-22 RESOLVED, that having considered a communication from the Superintendent of Parks and Recreation, dated July 14, 2022, which bears the signature of the Director of Finance and is approved for submission by the Mayor, the Council does hereby accept the bid of Great Lakes Gutter, 12379 Globe Street, Livonia, MI 48150 for performing all work required in connection with the gutter installation on Newburgh Church, Shaw House and Kingsley House at Greenmead Historical Park, in an amount not to exceed \$18,980.00, the same having been the sole bid received and meets all specifications; FURTHER, the Council does hereby authorize an additional appropriation from the Unexpended Fund balance of the Historical Trust Fund (270) and a budget amendment to transfer an amount not to exceed \$20,000.00 to Account No. 101-821-931-220 for this purpose and to cover all associated expenses.

#245-22 RESOLVED, that having considered a communication from the Assistant Director of Public Works, dated July 12, 2022, which bears the signatures of the Director of Public Works and the Director of Finance, and is approved for submission by the Mayor, the Council does hereby authorize the purchase of one (1) 26 ton, air-cooled, high efficiency unit sole-source chiller, Tag No: CGAM-1, Model Number: CGAM026b2, from Trane Company, 33725 Schoolcraft Road, Livonia, MI 48150 for the replacement of the Carl Sandburg Library HVAC chiller unit which is well beyond its expected useful life and replacement parts are no longer available, in an amount not to exceed \$35,750.00 (\$32,500.00 quote plus 10% contingency); FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$35,750.00 from funds already budgeted in Account No. 401-000-976-000 for this purpose; FURTHER, the Council does hereby determine to authorize said purchase without competitive bidding inasmuch as Trane Company is the sole authorized provider of the 26 ton, air-cooled, high efficiency unit sole source chiller in the State of Michigan and no advantage to the City would result from competitive bidding, and such action is taken in accordance with the provisions set forth in Section 3.04.140.D.3 of the Livonia Code of Ordinances, as amended.

#246-22 RESOLVED, that having considered a communication from the Assistant Director of Public Works, dated July 8, 2022, which bears the signatures of the Director of Public Works and the Director of Finance, and is approved for submission by the Mayor, regarding additional expenditure relative to the Seven Mile Road Water Main Replacement Project, previously authorized in Council Resolution #272-21, adopted on August 23, 2021, and to which is attached a proposed Change Order from OHM Advisors, 34000 Plymouth Road,

Livonia, MI 48150, dated June 22, 2022, the Council does hereby authorize an additional expenditure in an amount not to exceed \$31,515.41, in addition to the initial expenditure and previous change orders in an amount not to exceed \$512,793.50, for a total project cost in an amount not to exceed \$544,308.91, payable to Bidigare Contractors Inc., 939 S. Mill Street, Plymouth, MI 48170, for the additional scope of work required relative to the Seven Mile Road Water Main Replacement project; FURTHER, the Council does hereby authorize the expenditure of a sum not to exceed \$31,515.41 from funds already budgeted in the Water and Sewer Fund (592-158-000) for this purpose; and the Mayor and City Clerk are hereby authorized to execute a contract, approved as to form and substance by the Department of Law, for and on behalf of the City of Livonia with Bidigare Contractors Inc. and to do all other things necessary or incidental to the full performance of this resolution.

#247-22 RESOLVED, that having considered a communication from the Assistant Director of Public Works, dated July 14, 2022, which bears the signatures of the Director of Public Works and the Director of Finance, and is approved for submission by the Mayor, regarding additional expenditure for the preventive maintenance of the sanitary sewer system at the northwest quadrant of Section 34 and to amend the existing contract, previously authorized in Council Resolution 407-17, adopted on December 18, 2017, the Council does hereby authorize an additional expenditure in an amount not to exceed \$1,000,000.00, at the unit prices previously bid, increasing the not to exceed contract amount from \$350,000.00 to \$1,350,000.00 for fiscal year 2022, payable to Inliner Solutions, LLC (f/k/a Liqui-Force Services, Inc.), 28529 Goddard Road, Suite 106, Romulus, Michigan 48174, for performing all work required in connection with the preventive maintenance of the sanitary sewer system at the northwest quadrant of Section 34; FURTHER, the Council does hereby authorize an additional expenditure in an amount not to exceed \$1,000,000.00 from funds already budgeted in the Water and Sewer Fund (592) for this purpose; and the Mayor and City Clerk are hereby authorized to execute an amendment to the existing contract, approved as to form and substance by the Department of Law, for and on behalf of the City of Livonia with Inliner Solutions, LLC and to do all other things necessary or incidental to the full performance of this resolution.

#248-22 RESOLVED, that having considered the report and recommendation of the City Engineer, dated July 14, 2022, submitted pursuant to Council Resolution 336-21, adopted on November 22, 2021, which bears the signatures of the Director of Public Works, Director of Finance and the City Attorney, and is approved for submission by the Mayor, to which is attached a proposed Agreement between the City of Livonia and Spalding DeDecker Associates, Inc., the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute an amendment to the engineering contract, approved as to form

and substance by the Department of Law, between the City of Livonia and Spalding DeDecker Associates, Inc. (SDA), 905 South Boulevard East, Rochester Hills, Michigan 48307, to provide professional engineering services for the sidewalk replacement location assessments for Sections 1 through 12, in an amount not to exceed \$33,000.00; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$33,000.00 from Account No. 204-463-974-200 (Non-Motorized Paths) for this purpose; and the City Engineer is hereby authorized to approve minor adjustments in the work as it becomes necessary but this authorization does not entitle the City Engineer to authorize any increase in the not to exceed amount or to contract with other parties.

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

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

NAYS: None

A communication from the Department of Law, dated August 4, 2022, re: suggesting the revised Proposed Amendment to the Livonia Code of Ordinances, as amended, to add Chapter 01 to Title 11 (Display of Flag on City Property), was received and placed on file for the information of the Council.

Donovic gave first reading of the following Ordinance:

AN ORDINANCE ADDING CHAPTER 01 TO TITLE 11 (DISPLAY OF FLAG ON CITY PROPERTY) TO THE LIVONIA CODE OF ORDINANCES, AS AMENDED.

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

The following residents spoke in favor of the proposed Ordinance regarding the display of flags on City property:

Ellen Kain, Livonia resident;
Robert Tenaglia, 15367 Susanna Circle;
Gini Krenz, 34075 Pembroke;
Penny Crider, Livonia resident;
Alex King, 9806 Berwick;

Bob Zeuner, Bennett Street;
Kellan Winslow, Livonia resident; and
Marie, Livonia resident

The following residents spoke in opposition to the proposed Ordinance regarding the display of flags on City property:

Lori Shuk, Grennada Street;
Darrell Smith, 14006 Brookfield;
Debbie Woods, Livonia resident; and
Deb Christiansen, Livonia resident

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

#249-22 RESOLVED, that having considered the request of Councilmember Brandon McCullough, at the Study Meeting held July 25, 2022, relative to displaying flags on City property, the Council does hereby refer the subject matter of alternative ways for recognizing various groups of the community to the Committee of the Whole for its report and recommendation.

Bob Zeuner, Livonia resident, asked Council to include the Livonia Human Relations Commission to assist in the discussion of alternative ways to recognize various groups throughout the Community.

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

#250-22 RESOLVED, that having considered a communication from the City Planning Commission, dated July 6, 2022, approved for submission by the Mayor, and a communication from Terry Sever, applicant and representative for Excellerated Towing & Recovery, dated May 23, 2022, which in accordance with the provisions of Section 13.13(10) of the Livonia Vision 21 Zoning Ordinance, takes an appeal from a determination made on May 17, 2022, by the City Planning Commission in its resolution 05-26-2022 with regard to Petition 2022-03-02-10 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 ¼ of Section 28, and the Council having conducted a public hearing with regard to this matter on Monday, July 18, 2022, the Council does hereby concur in the recommendation of the City Planning Commission and Petition 2022-03-

02-10, submitted by Excelerated Towing & Recovery, is hereby denied for the following reasons:

1. That the petitioner has failed to affirmatively show that the proposed use complies with all the general waiver use standards and requirements as set forth in Sections 6.58 and 13.13 of the Livonia Vision 21 Zoning Ordinance, as amended;
2. That the operation of a vehicle tow yard with outdoor storage at this location and the pattern of traffic generated from the proposed use would have a detrimental effect upon the neighboring properties;
3. That the nature and intensity of the proposed use is inconsistent with the predominant small manufacturing businesses that are located within this industrial park;
4. Evidence has been presented through the course of these proceedings which calls into question petitioner's reliability and business practices; and
5. That the petitioner has failed to comply with all the concerns deemed necessary for the safety and welfare of the City and its residents.

A communication from the Director of Public Works, dated August 5, 2022, re: additional information regarding the emergency repairs at the City fueling sites, was received and placed on file for the information of the Council.

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

#251-22 RESOLVED, that having considered the report and recommendation of the Director of Public Works, dated July 14, 2022, which bears the signature of the Director of Finance and is approved for submission by the Mayor, requesting an appropriation and expenditure from budgeted funds to enable payment in the amount of \$30,323.30 to Oscar W. Larson Company, 10100 Dixie Hwy., Clarkston, Michigan 48348 for all materials and labor necessary to perform the emergency fuel station repairs at the City's fueling sites, the Council does hereby authorize an appropriation and expenditure in an amount not to exceed \$30,323.30 from Account No. 401-000-971-000 (Capital Outlay-Minor) for this purpose; FURTHER, the Council does hereby authorize such action without competitive bidding for the reasons indicated in the aforesaid communication, and such action is taken in accordance with Section 3.04.140D.1 of the Livonia Code of Ordinances, as amended.

During Audience Communication, Lori Shuk, Grennada Street, spoke in favor of a Non-Discrimination Ordinance being developed for the community to show that Livonia is a welcoming community to all.

On a motion by Vice President Toy, seconded by McCullough, and unanimously adopted, this 1,950TH Regular Meeting of the Council of the City of Livonia was adjourned at 8:01 p.m.

Susan M. Nash, City Clerk