

**MINUTES OF THE ONE THOUSAND NINE HUNDRED FIFTY FIRST****REGULAR MEETING AUGUST 22, 2022**

On August 22, 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 Morgan led the meeting with the Pledge of Allegiance.

Roll was called with the following result: Scott Morgan, Brandon McCullough, Scott Bahr, Rob Donovic (*remote via **Zoom***), and Kathleen McIntyre. Absent: Laura Toy and Jim Jolly.

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

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

**#252-22** RESOLVED, that the Minutes of the 1,950<sup>th</sup> Regular Meeting of the Council held August 8, 2022 are approved as presented.

During Audience Communication, Karen Warner, representative on behalf of Explore Academy, was present to announce the opening of their school in September for grades 6-8. Ms. Warner stated the ribbon cutting ceremony will be Thursday, September 1<sup>st</sup> at 4:00 p.m. and invited Council and community members to visit their location at 31100 Plymouth Road.

Chris, resident of Rosedale Gardens subdivision, spoke in support of a NDO for the City and stated she felt it would help move Livonia forward.

Lisa Sellenger, business owner of Sellenger Associates, Inc. on Farmington Road, addressed Council to show her support of a NDO for the City and wanted to see the City move forward and become a more open community.

Emily Keith, Livonia resident, spoke in support of a NDO for businesses and the entire community.

Darrell Smith, 14006 Brookfield, spoke in support of a NDO for the City.

Ishmael Terry addressed Council to speak in support of a NDO and open communication for the City.

Councilmember Donovic thanked Livonia Cable and Television staff and Sara Kasproicz of the Council Office for their help in setting up the means for him to participate via *Zoom* at tonight's meeting while on active military duty.

Councilmember McCullough stated he felt the state of the City's libraries should be investigated further by the Council and was open to discussion on the subject matter.

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

**#253-22** RESOLVED, that upon a motion made by Councilmember Brandon McCullough, seconded by Councilmember Scott Bahr, at the Regular Meeting of Council held August 22, 2022, the Council does hereby refer the subject matter of the physical state of the City libraries to the Capital Outlay and Infrastructure Committee for its report and recommendation.

Councilmember McIntyre stated longtime City Attorney, Harry Tatigian, passed away earlier this morning and requested a moment of silence to honor his legacy.

Councilmember McIntyre announced the upcoming birthdays of Wayne County Commissioner Terry Marecki, Councilmember Brandon McCullough, and Judge Sean Kavanagh. Councilmember McIntyre wished them all very Happy Birthdays.

Councilmember McIntyre announced there would be an X-item addressed at the end of the meeting.

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

**#254-22** RESOLVED, that having considered an application from Brenda Shaw, dated July 14, 2022, requesting permission to close Sussex Street between Fitzgerald and Sherwood on Saturday, September 10, 2022, from 12:30 p.m. until 10:00 p.m., for the purpose of conducting a block party, the Council does hereby grant permission as requested, including therein permission to conduct the said affair on Sunday, September 11, 2022, in the event of inclement weather, the action taken herein being made subject to the approval of the Police Department.

**#255-22** RESOLVED, that having considered a communication from Dick McLain, President, Old Rosedale Gardens Homeowners Association, dated July 11, 2022, which requests permission to waive Section 8.32.070 (Noise Control) of the Livonia Code of Ordinances, as amended, for a neighborhood movie night at Rudolph Kleinert Park, to conclude after 10:00 p.m., on Saturday, September 17, 2022, the Council does hereby grant and approve this request in the manner and form herein submitted.

**#256-22** RESOLVED, that having considered a communication from the City Engineer, dated July 29, 2022, approved for submission by the Mayor, to which is attached a communication from Drew Servalish, Regional Construction Manager, Lombardo Homes, dated July 27, 2022, requesting a waiver of the sidewalk requirement in front of the newly constructed home located at 19364 Fitzgerald, in the S.W. ¼ of Section 5, the Council does hereby approve this request inasmuch as omitting the sidewalk on the subject property would have no detrimental effect upon the neighboring properties at this time due to relative lack of other public sidewalks existing within the neighboring area; FURTHER, the Council does hereby reserve the right to require sidewalks at this location in the event that additional sidewalks are installed in this area at some future date.

**#257-22** RESOLVED, that having considered a communication from the Mayor, dated July 26, 2022, the Council does hereby approve of and concur in the appointment of Wafa Dinero, 15680 Huff, Livonia, MI 48154, to the City Planning Commission to fill the unexpired term of office of Elizabeth McCue, which will expire on June 9, 2024, provided that Ms. Dinero takes the Oath of Office as required in Chapter X, Section 2 of the City Charter, to be administered by the City Clerk.

**#258-22** RESOLVED, that having considered a communication from the Mayor, dated July 18, 2022, wherein she has requested approval of the reappointment of Michael Marighug, 20085 Irving Drive, Livonia, Michigan 48152, to the Local Officers Compensation Commission for a seven-year term expiring April 2, 2029, pursuant to Section 2.48.020 of the Livonia Code of Ordinances, as amended, and Act No. 197 of the Public Acts of Michigan of 1975, as amended, the Council does hereby confirm and approve such reappointment.

**#259-22** 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.

**#260-22** RESOLVED, that having considered a communication from the Human Resources Director, dated July 22, 2022, which bears the signatures of the Director of Finance and the City Attorney, and is approved for submission by the Mayor, which transmits resolution no. 22-130 adopted by the Civil Service Commission on July 20, 2022, wherein the Commission recommended approval of an hourly wage increase for the classification of School Crossing Guard from \$10.25 per hour to \$15.00 per hour, the Council does hereby concur in and approves of the aforesaid action.

**#261-22** RESOLVED, that having considered a communication from the Human Resources Director, dated July 22, 2022, which bears the signatures of the Director of Finance and the City Attorney, and is approved for submission by the Mayor, which transmits resolution no. 22-132 adopted by the Civil Service Commission on July 20, 2022, wherein the Commission recommended approval of the restated plan documents for the 401(a) Defined Contribution Plan and the 457(b) Deferred Compensation Plan, the Council does hereby approve the restated plan documents for the 401(a) Defined Contribution Plan and the 457(b) Deferred Compensation Plan in the manner and form herein submitted.

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

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

NAYS: None

Bahr gave first reading of the following Ordinance:

**AN ORDINANCE VACATING THE USE OF PORTIONS OF  
STREET, ALLEY AND PUBLIC GROUND. (Petition 2022-04-03-01)**

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.

Donovic took from the table for second reading and adoption 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.**

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

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

NAYS: None

Bahr took from the table for second reading and adoption 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)**

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

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

NAYS: None

At 7:36 p.m. Councilmember McIntyre passed the gavel to Councilmember Bahr to speak regarding waiver use petition submitted by Maple Real Estate Group, L.L.C.

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

**#262-22** 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 Sam M. Fakhri, Fakhri

& Associates, PLLC, on behalf of the Maple Real Estate Group, L.L.C., dated May 20, 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 with regard to 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, and the Council having conducted a public hearing with regard to this matter on Monday, July 18, 2022, the Council does hereby reject the recommendation of the City Planning Commission and Petition 2021-12-02-27, submitted by Maple Real Estate Group, L.L.C., is hereby approved and granted, subject to the following conditions:

1. That Site Plan, identified as drawing SP-1, dated May 13, 2022, as revised, prepared by Edwards Group International, Inc. is hereby approved and shall be adhered to;
2. That the Site Landscape Plans, identified as drawings L1 and L2 dated May 13, 2022, as revised, prepared by Edwards Group International, Inc., are hereby approved and shall be adhered to;
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 and measure ten feet (10') in width;
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.

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

AYES: Morgan, McIntyre, Donovic, and Bahr

NAYS: McCullough

At 7:40 p.m. Councilmember McIntyre resumed the gavel.

On a motion by McCullough, seconded by Bahr, and unanimously adopted,

it was:

**#263-22** RESOLVED, that having considered a communication from the Director of Finance, dated August 9, 2022, approved for submission by the Mayor, the Council does hereby determine to conduct a Finance and Budget Committee meeting on Wednesday, September 21, 2022, at 7:00 p.m., in the 5th floor gallery, and a public hearing on Monday, October 3, 2022, at 7:00 p.m., at the Livonia City Hall, 33000 Civic Center Drive, Livonia, Michigan, with respect to the annual budget for the fiscal year ending on November 30, 2023; and the City Clerk shall give adequate public notice of said public hearing in accordance with provisions of law and City Charter.

On a motion by Morgan, seconded by Bahr, and unanimously adopted, it

was:

**#264-22** RESOLVED, that the Council does hereby suspend their rules for procedure as outlined in council Resolution 574-82 so as to permit consideration of items that do not appear on the agenda.

On a motion by Bahr, seconded by McCullough, and unanimously adopted,

it was:

**#265-22** RESOLVED, that having considered a communication from Sara Kasprowicz, Council Office Manager, dated August 16, 2022, wherein it is requested that Council Resolution 228-22, adopted on July 25, 2022, be amended 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 midnight, which was inadvertently reflected on the July 25, 2022 regular agenda for Saturday, August 20, 2022, the Council does hereby amend and revise Council Resolution 228-22 so as to read as follows:

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 Friday, August 26, 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 Friday, August 26, 2022.

During Audience Communication, John Grzebik, 11301 Hubell, addressed Council to express his respects for Harry Tatigian and stated he was a great contributor to the Livonia community.



Peter Dale, 9812 Cranston, addressed Council to express his concern about dying trees at Kleinert Park and asked Council to look into the matter.

On a motion by Bahr, seconded by McCullough, and unanimously adopted, this 1,951<sup>ST</sup> Regular Meeting of the Council of the City of Livonia was adjourned at 7:48 p.m.

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Susan M. Nash, City Clerk