

MINUTES OF THE ONE THOUSAND NINE HUNDRED FIFTY SECOND**REGULAR MEETING SEPTEMBER 7, 2022**

On September 7, 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. Vice President Toy led the meeting with the Pledge of Allegiance.

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

Elected and appointed officials present: Leo Neville, Assistant City Attorney; Lori L. Miller, Deputy City Clerk; Sara Kasproicz, Program Supervisor of Council Office; Mark Taormina, Director of Planning and Economic Development; and Dave Lear, Assistant City Engineer.

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

#266-22 RESOLVED, that the Minutes of the 1,951st Regular Meeting of the Council held August 22, 2022 are approved as presented.

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

Councilmember Morgan presented a commendation on behalf of City Council and the Mayor to Fred Lundy, former Chief Accountant for the City, who turned 100 years old.

Fred Lundy thanked Council for their commendation and shared some of his fond memories while employed with the City and throughout his lifetime.

Vice President Toy informed Mr. Lundy to watch Channel 4 for their "Smuckers" commercial and thanked him for his dedication and service.

Councilmember Donovic thanked Mr. Lundy for his service to the City and our nation and indicated the Air Medal honor he received was a very special honor.

Councilmember Bahr indicated Councilmember Donovic was too humble to mention that he also was a recipient of the Air Medal in the Army and shared that recognition and honor with Mr. Lundy.

Councilmember Bahr wished his son, Trey, a Happy 12th Birthday.

Councilmember Donovic announced the Livonia Police Department has a new addition, Cooper, the therapy dog.

Councilmember McIntyre announced there was one City retiree during the month of August, Deborah Murawski, after 15 years of service at the 16th District Court. Councilmember McIntyre wished her well in her retirement.

Councilmember McIntyre thanked Alpha USA for the amazing barbeque dinner at the Senior Center and stated it was a great event with great food.

Councilmember McIntyre expressed concern for spray mosquito repellants used throughout the City and the detrimental affect said sprays may have on the ecosystem.

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

#267-22 On a motion by Councilmember McIntyre, seconded by Councilmember Donovic, at the Regular Meeting of Council held September 7, 2022, the Council does hereby refer the subject matter of mosquito repellant sprays to the Senior Citizens, Families and Environment Committee for its report and recommendation.

Councilmember Bahr recognized three local hero students from Churchill High School who rescued residents from a burning home recently.

Vice President Toy thanked the District Court for providing the beautiful hanging flower baskets throughout the Civic Center Campus and along Farmington and Five Mile Roads.

President Jolly wished Don Rohraff, DPW Director, a Happy Birthday.

President Jolly wished a Happy Birthday and Anniversary to his wife, Katie.

A communication from the Department of Finance, dated August 5, 2022, re: forwarding various financial statements of the City of Livonia for the month ending June 30, 2022, was received and placed on file for the information of the Council.

A communication received from the Director of Government Affairs, dated August 11, 2022, to which is attached a report and recommendation from Sergeant Scott Szczepanski regarding the subject matter of vehicle haulers/loaders blocking the center

lane of Plymouth Road, was received and placed on file for the information of the Council.

A communication received from the Director of Government Affairs, dated August 19, 2022, to which is attached a status report regarding the activities of Capitol Relations for the period June – August 2022, was received and placed on file for the information of the Council.

On a motion by Bahr, seconded by Vice President Toy, it was:

#268-22 RESOLVED, that having considered an application from Louis and Kimberly Palmer, dated July 26, 2022, requesting permission to close Wadsworth Avenue from Boston Post west until it dead ends on Saturday, September 10, 2022, from 2:00 p.m. to 10:00 p.m., for the purpose of conducting a block party, the Council does hereby grant permission as requested, the action taken herein being made subject to the approval of the Police Department.

#269-22 RESOLVED, that having considered an application from Dena Endres, dated July 19, 2022, requesting permission to close the corner of Arthur, Leon and Elmira Streets north to the corner of Elmira and Yale Streets on Sunday, September 25, 2022, from 2:00 p.m. to 8:00 p.m., for the purpose of conducting a block party, the Council does hereby grant permission as requested, the action taken herein being made subject to the approval of the Police Department.

#270-22 RESOLVED, that having considered an application from Wafa Dinaro, dated July 18, 2022, requesting permission to close Huff Street between Kingsbury and Ladywood Streets on Saturday, October 1, 2022, from 1:00 p.m. to 8:00 p.m., for the purpose of conducting a block party, the Council does hereby grant permission as requested, the action taken herein being made subject to the approval of the Police Department.

#271-22 RESOLVED, that having considered an application from Lauren Grewe, dated August 5, 2022, requesting permission to close Sherwood between Woodside and Parklane on Saturday, October 8, 2022, from 12:00 p.m. to 9:00 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, October 9, 2022, in the event of inclement weather, the action taken herein being made subject to the approval of the Police Department.

#272-22 RESOLVED, that having considered an application from Christian A. Lobb, Esq., Bator Lobb, P.C., on behalf of Life Center, Inc.,

dated August 8, 2022, the Council does hereby take this means to indicate that Life Center, Inc. is recognized as a non-profit organization operating in the community, and the action herein being taken for the purpose of affording Life Center, Inc. the opportunity to qualify for a charitable gaming license or registration from the State of Michigan in accordance with provisions of State statute.

#273-22 RESOLVED, that having considered a communication from the Chief of Police, dated August 8, 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 authorize the purchase of a de-escalation and Firearms Training Simulator (FATS) from VirTra Inc., 295 E. Corporate Place, Chandler, Arizona 85225 to replace the former FATS equipment manufactured by Meggitt, which is no longer operational due to its age (18-20 years old) and the obsolescence of its supporting software, in an amount not to exceed \$56,280.54 (said amount reflecting a \$10,000.00 trade-in credit for the old system); FURTHER, the Council does hereby authorize an expenditure in an amount not exceed \$56,280.54 from funds already budgeted in Account No. 101-325-987-000 for this purpose; FURTHER, the Council does hereby determine to authorize said purchase without competitive bidding for the reason that VirTra Inc. is a sole source supplier of this type of simulator, 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.

#274-22 RESOLVED, that having considered the report and recommendation of the Chief of Police, dated August 4, 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 authorize the purchase of one (1) 2022 Dodge Charger Police Pursuit Package AWD from LaFontaine CDJR–Lansing, 6131 S. Pennsylvania Avenue, Lansing, MI 48911, in an amount not to exceed \$34,273.00, to replace Police Vehicle #21-01 which was involved in a crash on July 14, 2022 and deemed unrepairable and the upfitting and replacement equipment of said vehicle to be covered by the Michigan Municipal Risk Management Authority (MMRMA); FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$34,273.00 from funds budgeted for this purpose in Account No. 101-325-985-000; FURTHER, the Council does hereby determine to authorize the said purchase without competitive bidding inasmuch as the same is based upon the low State of Michigan bid price under Contract No. 071B7700183 for the new vehicle purchase; and such action is taken in accordance with the provisions set forth in Section 3.04.140.D.4 of the Livonia Code of Ordinances, as amended; FURTHER, the Council does hereby authorize the MMRMA to sell the replaced vehicle as salvage and pay the City of Livonia \$31,800.00 as settlement for the insurance claim and to reimburse Account No. 101-325-985-000 for the purchase of the new vehicle.

#275-22 RESOLVED, that having considered a communication from the Assistant Director of Public Works, dated August 3, 2022, which bears the signatures of the Director of Public Works, the Director of Finance and the City Attorney, and is approved for submission by the Mayor, and to which is attached Invoice #188634 from SunGlo Restoration Services, Inc., dated June 30, 2022, the Council does hereby appropriate and authorize an expenditure in an amount not to exceed \$27,903.55 payable to Sunglo Restoration Services, Inc., 42860 W. 9 Mile Road, Novi, MI 48375 for all materials, equipment and labor necessary to perform the emergency repair and clean-up of the City Hall Annex hallway; FURTHER, the Council does hereby authorize the action herein without competitive bidding in accordance with Section 3.04.140.D.1 of the Livonia Code of Ordinances, as amended; FURTHER, the Council does hereby authorize an appropriation and expenditure in an amount not to exceed \$27,903.55 from funds budgeted in Account No. 101-523-818-020 for this purpose.

#276-22 RESOLVED, that having considered the report and recommendation of the Assistant Director of Public Works, dated August 9, 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) 2022 Super Jet 1600 high pressure water jetter truck mounted on a 2022 Freightliner M2106 chassis from North River Truck & Trailer, Inc., 24411 North River Road, Mount Clemens, MI 48043, in a total amount not to exceed \$358,000.00, to replace the existing sewer jet truck (#338), which is a 2015 model with frequent repairs; FURTHER, the Council does hereby authorize an appropriation and expenditure in an amount not to exceed \$358,000.00 from funds budgeted in the FY 2023 budget in Account No. 592-559-142-000 for this purpose; FURTHER, the Council does hereby determine to authorize the said purchase without competitive bidding inasmuch as the same is based upon the low State of Michigan bid price under the Sourcewell Purchasing Program (Contract No. 101221-SPL); 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.4 of the Livonia Code of Ordinances, as amended; FURTHER, the Council does hereby authorize the disposal of the replaced vehicle at public auction hosted by the Michigan Inter-governmental Trade Network (MITN) or commercial auction after receipt of the new vehicle.

#277-22 RESOLVED, that having considered the report and recommendation of the Assistant Director of Public Works, dated August 4, 2022, 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, the Council does hereby accept the bid of Nationwide Construction Group, 69951 Lowe Plank Rd., Richmond, MI 48062 for performing all work required in connection with the baseball diamond fencing replacement project (excluding renovations to Ford Field #3 and Ford Field #6), in an amount not to exceed \$148,531.16, the same having been the sole bid

received and meets all specifications; FURTHER, the Council does hereby authorize the expenditure of a sum not to exceed \$148,531.16 from funds already budgeted in Account No. 401-000-974-000 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 the aforesaid bidder and to do all other things necessary or incidental to the full performance of this resolution.

#278-22 RESOLVED, that having considered the report and recommendation from the Assistant Director of Public Works, dated August 8, 2022, which bears the signatures of the Library Director and the Finance Director, and is approved for submission by the Mayor, to which is attached a proposed agreement between the City of Livonia and DLZ Michigan, Inc., 607 Shelby Street, Suite 650, Detroit, MI 48226 for architectural services in connection with the Civic Center Library Atrium Roof Replacement, the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute a contract between the City of Livonia and DLZ Michigan, Inc., 607 Shelby Street, Suite 650, Detroit, MI 48226, to provide professional architectural services in connection with the design/bid phase and construction contract administration phase for the Civic Center Library Atrium Roof Replacement in an aggregate amount not to exceed \$75,000.00, the same having been in fact the lowest bid received and meets all specifications; FURTHER, the aforesaid proposal is accepted through the Qualification Based Selection Process, pursuant to CR 378-20, adopted on December 14, 2020, and such action is taken in accordance with Section 3.04.140.D.2.b of the Livonia Code of Ordinances, as amended; FURTHER, the Council does hereby authorize an additional appropriation and expenditure in an amount not to exceed \$75,000.00 from the unexpended fund balance of the Library Fund (271) for this purpose.

#279-22 RESOLVED, that having considered the report and recommendation of the City Engineer, dated August 5, 2022, which bears the signatures of the Director of Public Works and the City Attorney and is approved for submission by the Mayor, with regard to a request from Livonia West Commerce Center 2, LLC, a Michigan limited liability company, in conjunction with the construction of a storm drainage system to provide adequate drainage from property developed at 12950 Eckles Road, Livonia, Michigan, the Council does hereby determine as follows:

1. To accept on behalf of the City of Livonia, the jurisdiction and maintenance of the storm sewer within the property located east of Haggerty Road, south of Schoolcraft Road in the N ½ of Section 30, for the development of Livonia West Commerce Center Building No. 2, which accommodates storm water from property developed at 12950 Eckles Road, with the maintenance agreement from the proprietor, Livonia West Commerce Center 2, LLC, a Michigan limited liability company, located at 2575 S. Haggerty Road, Canton, Michigan 48188, attached to said report and recommendation, indicating a corporate commitment to maintain the

system and reimburse the City for any maintenance the City performs and to indemnify and hold harmless the City against any costs, expenses, and attorney fees incurred by the City in connection with any claims or the enforcement of the maintenance agreement; and

2. To authorize the Mayor and City Clerk to execute the Storm Water Facilities Maintenance Agreement on behalf of the City.

#280-22 RESOLVED, that having considered the report and recommendation of the City Engineer, dated August 5, 2022, which bears the signatures of the Director of Public Works and the City Attorney and is approved for submission by the Mayor, with regard to a request from Livonia West Commerce Center 2, LLC, a Michigan limited liability company, in conjunction with the construction of a storm drainage system to provide adequate drainage from property developed at 13100 Eckles Road, Livonia, Michigan, the Council does hereby determine as follows:

1. To accept on behalf of the City of Livonia, the jurisdiction and maintenance of the storm sewer within the property located east of Haggerty Road, south of Schoolcraft Road in the N ½ of Section 30, for the development of Livonia West Commerce Center Building No. 2, which accommodates storm water from property developed at 13100 Eckles Road, with the maintenance agreement from the proprietor, Livonia West Commerce Center 2, LLC, a Michigan limited liability company, located at 2575 S. Haggerty Road, Canton, Michigan 48188, attached to said report and recommendation, indicating a corporate commitment to maintain the system and reimburse the City for any maintenance the City performs and to indemnify and hold harmless the City against any costs, expenses, and attorney fees incurred by the City in connection with any claims or the enforcement of the maintenance agreement; and

2. To authorize the Mayor and City Clerk to execute the Storm Water Facilities Maintenance Agreement on behalf of the City.

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

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

NAYS: None

Councilmember Bahr reported out the subject matter of City Vehicles as discussed in the Finance and Budget Committee meeting of August 10, 2022. This matter will remain in Committee for further discussion. (CR 106-97)

A communication from the City Assessor dated July 11, 2022, containing the 2022 Assessment Data Booklet, was received and placed on file for the information of the Council.

Councilmember Bahr reported out on the subject matter of Advance Budget Reviews Fiscal Year 2022-2023 Pre-Budget meeting and indicated this matter will remain in Committee. (CR 161-12)

McIntyre gave first reading to the following Ordinance:

AN ORDINANCE ADDING CHAPTER 22 (STORMWATER MANAGEMENT) TO TITLE 13 OF 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.

McIntyre invoked the Emergency Clause and gave second reading to the foregoing Ordinance and a roll call vote was taken thereon with the following result:

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

NAYS: None

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

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

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

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

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

NAYS: None

The President declared the Ordinance would become effective upon publication.

On a motion by Vice President Toy, seconded by Councilmember Morgan

it was:

RESOLVED, that having considered the report and recommendation from the Assistant Director of Public Works, dated August 10, 2022, which bears the signatures of the Director of Public Works, the Director of Finance and the City Attorney, and is approved for submission by the Mayor, the Council does hereby accept the bid of KJP Roofing and Sheet Metal, Inc., 46958 N. Gratiot Avenue, Suite 174, Chesterfield, MI 48051, for performing all work required in connection with the Carl Sandburg Library roof replacement, to include all labor, materials and equipment, in an amount not to exceed \$267,350.00 (\$238,500.00 quote, plus 10% contingency and \$5,000.00 permit allowance); the same having been the lowest bid received and meets all specifications; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$267,350.00 from funds budgeted in Account No. 401-000-976-000 for this purpose; and the Mayor and City Clerk are hereby authorized to execute a contract, for and on behalf of the City of Livonia with KJP Roofing and Sheet Metal Inc., subject to approval as to form and substance by the Department of Law, and to do all things necessary or incidental to the full performance of this resolution.

President Jolly passed the gavel to Vice President Toy at 7:50 p.m. to speak on the matter.

On a motion by Councilmember Bahr, seconded by Councilmember

McIntyre, it was:

RESOLVED, that the City Council does hereby determine, in lieu of the foregoing resolution, to substitute the following:

RESOLVED, that having considered the report and recommendation from the Assistant Director of Public Works, dated August 10, 2022, which bears the signatures of the Director of Public Works, the Director of Finance and the City Attorney, and is approved for submission by the Mayor, regarding the bid of KJP Roofing and Sheet Metal, Inc. in connection with the Carl Sandburg Library roof replacement, the Council does hereby refer this matter to the Capital Outlay and Infrastructure Committee for its report and recommendation.

Following discussion by Council, a roll call vote was taken on the motion to substitute as follows:

AYES: Bahr, Donovic, Morgan, and McIntyre

NAYS: Jolly and Toy

Vice President Toy declared the motion to substitute adopted.

A roll call vote was then taken on the proposed substitute resolution by Councilmember Bahr, seconded by Councilmember McIntyre, as follows:

#281-22 RESOLVED, that having considered the report and recommendation from the Assistant Director of Public Works, dated August 10, 2022, which bears the signatures of the Director of Public Works, the Director of Finance and the City Attorney, and is approved for submission by the Mayor, regarding the bid of KJP Roofing and Sheet Metal, Inc. in connection with the Carl Sandburg Library roof replacement, the Council does hereby refer this matter to the Capital Outlay and Infrastructure Committee for its report and recommendation.

with the following result:

AYES: Bahr, Donovic, Morgan, and McIntyre

NAYS: Jolly and Toy

Vice President Toy declared the resolution adopted.

President Jolly resumed the gavel at 7:52 p.m.

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

On a motion by Councilmember Bahr, seconded by Councilmember McIntyre, and unanimously adopted, this 1,952nd Regular Meeting of the Council of the City of Livonia was adjourned at 7:56 p.m.

Susan M. Nash, City Clerk