

**CITY OF LIVONIA
PUBLIC HEARING**

Minutes of Meeting Held on Wednesday, December 16, 2020

A Public Hearing of the Council of the City of Livonia was held virtually via ZOOM on **Wednesday, December 16, 2020.**

MEMBERS PRESENT: Kathleen McIntyre, President
Vice President Scott Bahr
Jim Jolly
Brandon McCullough
Laura M. Toy

MEMBERS ABSENT: Rob Donovic
Cathy K. White

OTHERS PRESENT: Mark Taormina, Director of Economic Development
Paul Bernier, City Attorney
Sara Kasprowicz, Recording Secretary

The Public Hearing was called to order at 7:01 p.m. with President Kathleen McIntyre presiding. This item is regarding **Petition 2020-09-06-02** submitted by the City Planning Commission, pursuant to Section 23.01(b) of the Livonia Zoning Ordinance #543, as amended, to determine whether or not to amend Article XXXI – NP District Regulations, of the City of Livonia Zoning Ordinance No. 543, as amended, to expand the list of permitted uses under Section 31.03 to include beneficial forest management practices, such as the removal of invasive species, and selective trail construction in accordance with the City's Master Parks and Recreation Plan and nonmotorized transportation plan, Livonia Bike Walk.

This item will move to the Regular Meeting of **January 13, 2021.**

The Public Hearing is now open. There were 3 people in the audience.

McIntyre: Good evening. We have now called the Public Hearing of the Council of the City of Livonia to order. We have one public hearing this evening. The public hearing is open for comments. If we could add Mr. Davis, who I understand is on, that would be excellent. So, Mr. Taormina, would you like to...

Taormina: I'd be happy to.

- McIntyre: We're having Ted come on. I'm not sure which one of you would like to lead off on this.
- Taormina: I'll lead off. This comes to you by way of the Planning Commission. This is a language amendment, and it is at the request of the Parks and Recreation Commission. The main purpose of which is to expand the list of permitted uses within the City's Nature Preserves. The city has about 12 different park areas that are designated NP. The largest of which is Rotary, which is about 140 acres in total size. For obvious reasons, the MP district regulations are very protective of the natural environment. However, as currently written, the regulations could be interpreted in a way that prohibits certain beneficial improvements. Such as, the management of invasive plant species or the construction of fully accessible, barrier-free, pedestrian trails or paths. It's for this reason, that we are recommending that the Permitted Uses Section of Article 31, be expanded to include the items that you mentioned at the onset of the meeting, Madam Chair. This would all be subject to the oversight and guidance of the Parks and Recreation Commission and would have to be consistent with the Master Parks and Recreation Plan, as well as Livonia Bike Walk.
- McIntyre: Thank you, and I should have added, before I went to you, Mr. Taormina and Mr. Davis, that we have all Councilmembers with us this evening with the exception of Council Member Rob Donovic and Council Member, Cathy White. I also should have indicated to the public that the City Clerk has served a true copy of the notice of Public Hearing by way of notice in the Livonia Observer and Eccentric. All right. Mr. Davis, did you wish to add anything to Mr. Taormina's comments before we go to Council?
- Davis: Council President, Mr. Taormina stated it very beautifully. Right now, the way the NP designation is written, we do not have the legal authority to remove any invasive species. To even replant native plants, we don't have that authority. Trail management, even a downed tree, a diseased tree, to remove that out of there, we could not currently do the way the ordinances are written. I'll also point to Tatigian, is one of the examples of this. Tatigian, we're able to do, only because the Curtis right-of-way still exists. If the Curtis right-of-way did not exist, the way the NP ordinance is written, we would have not been able to build Tatigian Path. So, that's an example of a project that we would consider, and other places, and we currently can't with an MP designation.
- McIntyre: Thank you, Mr. Davis. Council, do any of you have any questions before I go to the public, to the audience, to see if anyone from the audience has any questions. Mr. Bahr, Vice President Bahr, I'll begin with you and then I'll go next to Council Member McCullough.

- Bahr: Yeah, Ted. So, all of Rotary Park Woods is zoned Nature Preserve?
- Davis: Correct.
- Bahr: So how, just for my education, there's obviously trail systems through there, how is that permitted? Well, I guess nature trails wasn't permitted use.
- Davis: Yeah, the construction of trails, wasn't a permitted use with the MP designation, really. From the best of my knowledge, those are old horse-riding trails that were established long before the property was even bought by the city.
- Bahr: Got it. So do we, when I think of the different areas throughout the city that are wooded and there's lots of them. In general, anywhere where we see undisturbed woods on City property, is it in general, all zoned Nature Preserve? Take by Centennial Park, for example, Rotary, take the woods near Kathleen's house, I'm not sure what you call that.
- McIntyre: Madonna, that is Madonna Nature Preserve.
- Davis: Okay. There is a Nature Preserve, Rotary, the North End is Bicentennial. No, it is not.
- Bahr: It's not so this proposal here would, it's changing the ordinance, so anywhere where we have something zoned Nature Preserve, you'd have the freedom to do this?
- Davis: Yes.
- Bahr: Okay. All right. There's probably more questions, but I'd offer an approving on this. I think it makes a ton of sense. I happen to back up to a Nature Preserve. I doubt it's on your list of places to improve because it's landlocked and you're not going to be having any bike trails go through there or anything, but the problems that you're talking about are a major problem in there, and if it ever makes sense in the City's priorities for that to be improved by this, that would be a good thing. But even if it's not, it gives me a sense of understanding as to what we're dealing with and the other places too. I think this is really appropriate.
- McIntyre: Thank you, Scott. Brandon?
- McCullough: Madam President, to the Chair to Mr. Davis. Invasive species. Do you currently have, do we know what's out there? Obviously, I'm assuming there's probably buckthorn and that you're dealing this, I guess I'm curious how what's the status in your eyes?

Davis: Buckthorn is probably, actually it's not even probably, it is the biggest invasive species we have. I see garlic mustard in some spots here and there, we don't have that much of it though. You know, we're lucky in a lot of our waterways, we don't have phragmite or anything like that. I mean, I do see them at the golf courses, but throughout Rotary in our different waterways, I don't see that. So, we're fortunate in a lot of these things that we don't have huge invasive species issues. Probably buckthorn is the biggest problem. You know, are there immediate plans to go in and remove this? No. Because quite frankly, we don't have the manpower. Even if every volunteer group agreed to go out there and do it, we still wouldn't be able to identify at all and remove it all. This is going to be a process, right? I mean, it gives us the opportunity to go into certain Nature Preserves and deal with an issue that we know exists, where right now we don't.

McIntyre: Mark?

Taormina: I just wanted to point out that the list of, expanded list of permitted uses also includes animal species. Invasive animal species. That was something that we discussed and obviously covers insects in that category. Something that I think is very important to protecting our Nature Preserves.

McIntyre: I have a question. Who is the, with respect to our City properties, who's the authority or the arbiter of invasive species? Is that the State, Ted?

Davis: Of what constitutes an invasive species?

McIntyre: Yes.

Davis: Typically, it would be state DNR that would define invasive species at particular times. I mean, to Mark's point about even this including animals, if you've been to any of the golf courses over the past couple of years, you've seen Michigan State out there frequently. And actually, you can see traps because of that crawdad or whatever those crawfish issues we've had and they're still catching them all over. Where again, those aren't protected areas by an NP designation, but it would allow us if there was an issue where we could partner with an entity like that with these updates to the zoning ordinance.

McIntyre: Thank you, Scott.

Bahr: Yeah, sorry. Two more questions. I just thought of one. So, if we do this, what is the effective difference between a piece of land zoned Nature Preserve and a piece of land like the Northwest corner of Bicentennial

Park that is woods and not zoned Nature Preserve? Are they essentially the same at that point?

Davis: There's still restrictions on this. I mean, it limits our ability to do things. I don't know if you're asking, would we, or could we clear cut it and build a new soccer field? No. I mean, we can't, because it's still is protected. It simply allows us to do some forestry management, invasive species removal. Trail construction. Which again, we currently don't have that availability.

Bahr: Okay, and then the second question is, Mark mentioned about insects. I thought I understood him to say that this would allow us to go in and treat for insects, did I understand that correctly?

Davis: It would give us the opportunity to, yes.

Bahr: Okay, so, because I'm looking at the stuff that was provided to us and it looks like all the references, the insects were struck from this, so it looks like they're not included. Am I reading that wrong?

Davis: I think we would classify those as animals.

Bahr: Oh, you're just including it under animals. Okay.

Davis: Yes.

Bahr: Alright. Perfect. Thanks.

McIntyre: Would it makes sense to define in this, that an invasive species, as defined by the Michigan DNR.

Davis: We certainly could. I mean, I don't see any harm in that. We don't disagree with them.

McIntyre: Again, you know, this, particular group of people, there's certainly a great deal of comfort, that we would all probably agree on what constitutes invasive species, but looking at making any change in our Nature Preserves. It's going to continue, right, liberalizing, what can be done, long after this group of people, both on the Administration side and the Legislative side, leave. I think I, if no one objects to it, would like to refer to the Michigan DNR as the definers of that. Jim?

Jolly: My only question about that would be would the Michigan DNR is list of invasive species automatically include the Federal list as well or any federal references? Would we want to include both?

- McIntyre: I would have no problem with including both. We're usually in lock step.
- Jolly: Okay.
- McIntyre: So, Ted, I guess, referring back to you, should we include both or if we have the Michigan, does that...
- Davis: I think, you know, Michigan DNR, I think that is sufficient. Obviously, the Federal listing includes species that we're not going to see. Right, I mean, we've all heard stories down in Florida, they have certain days that catch certain animals and they dispose of them. Yeah, I don't see any need for us to include the federal list. I think, you know, MDNR is going to cover our, our needs quite nicely.
- McIntyre: Mark?
- Taormina: Yeah, I'm on the website right now and it would appear that Michigan's Invasive species program is managed by the DNR Eagle as well as the Department of Agriculture and Rural Development, so it's a joint program between three different departments at the State level.
- McIntyre: Laura?
- Toy: It's a great suggestion. It's just, aren't you under those guidelines anyhow? The City anyhow?
- McIntyre: No because invasive species, I believe that's a term of art, not a term of definition. I'm saying so, so that was my, I think we could agree, that invasive species probably does mean the Michigan DNR-specific reference. I think if it's not in there, someone at the City could decide that dandelions were invasive in Livonia.
- Toy: It doesn't hurt, I was just asking.
- McIntyre: I don't see there's any concern with this group, but again, these things, you know, when we liberalize what can be done in an NP, I think we need to be extremely cautious, and again, think of this, not in terms of this group of people, but all of the subsequent.
- Toy: Thank you.
- McIntyre: Paul?
- Bernier: Just so we clarify the language on this, the State has a tendency to change our name from Eagle to DNR, to this, to that. Would it be okay if we just put invasive species as defined by the state of Michigan?

McIntyre: I think that's absolutely a great suggestion.

Bernier: Today they're Eagle tomorrow they're Hawk, who knows what they might be tomorrow.

McIntyre: Yeah. If no one else from Council has comments, I will go to the audience to see if there are any participants in the audience this evening would like to weigh in on this subject. Attendees, if you'd like to, if you're joining us by zoom and it looks like you all are, you can use the raise, your hand function. Seeing none. So, I believe that we have an approving resolution offered by Vice President Bahr. We will add language that defines invasive or defines invasive species as defined by the State or is recognized by the State. Anything else? If not, I would like to inform the petitioner that this item will be on the Regular meeting of Wednesday January 13th, 2021.

Bernier: 2021. Wow. It's so nice not to hear 2020.

Toy: Madam Chair?

McIntyre: Yes.

Toy: Since this is our last meeting. Do we have anything next week?

Bahr: Did you want something?

Toy: No, I just wondered because this wasn't on my schedule tonight. That's why, I don't know. I don't know what happened, but it did happen, but I'm here and that's cool. I just wondered. So, Merry Christmas and Happy New Year. I'll see ya.

McIntyre: I would like to suggest, Vice President Bahr knows when I'm going to say, that if you haven't done so already that you, that if you go to the internet to receive a special greeting from Smokey Robinson, if you've all seen it, but Smokey as a very special holiday greeting that, kind of the perfect way to wrap up this year. I think tonight is the last night of the festival of lights or is that tomorrow night? Either way, we either have one or two more nights to receive a special greeting from Smokey Robinson. If you haven't, Google Smokey Robinson.

Bernier: I feel bad for the poor guy.

McIntyre: Paul, he probably got paid 100 bucks for doing that.

Bernier: I mean, you know, can you imagine any of our mistakes being on the internet for millions of people watch?

- Bahr: All I can say is if any politician had done that they wouldn't be treated nearly as nicely as Smokey Robinson is right now.
- McIntyre: The last time I checked, I don't get a hundred or 200 bucks for a two-minute video clip, so, you know, all is fair in love and war and celebrities. Alright. With that we are done. Thank you, Mark, thanks, Ted. I guess this is it Laura. Oh, we do have, someone from the audience who would like to speak. Jeff, if you could please state your full name and your address. Go ahead for me.
- Cane: Full name is Jeffrey Cane, address is 14455 Newburg Road. My concern for the City Council today is to make sure that the City Clerk is going to comply with...
- McIntyre: Mr. Kane, excuse me. This is a public hearing on a specific item, so the comments are limited to this public hearing item.
- Cane: Okay, when is the next time you guys are going to have a general meeting that other items can be brought up?
- McIntyre: Our next Regular meeting, Sir, is January 6th at 7:00 PM. There is audience communication near the beginning of the meeting, so join us, please on Wednesday, January 6th.
- Cane: Okay, but that is beyond the date for the compliance of the subpoena.
- McIntyre: Yes, Council Member Toy.
- Toy: I was going to say to the gentlemen is that we all have emails, and he can always call the office because we are on the subject manner right now. I don't want to shut them out, but obviously.
- McIntyre: The purpose of a public hearing and audience communication during a public hearing is limited to the agenda item at hand. Anyone else care to address the Council on this specific item? All right. With that goodnight. Happy Hanukkah. Merry Christmas. Happy Kwanzaa. Everything else. Happy New Year, happy birthday, Laura Toy and we'll see you all in January and goodnight.

As there were no further questions or comments, the Public Hearing was declared closed at 7:23 p.m.