

MINUTES OF THE ONE THOUSAND NINE HUNDRED SIXTY FOURTH**REGULAR MEETING MARCH 13, 2023**

On March 13, 2023, 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 McIntyre led the meeting with the Pledge of Allegiance.

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

Elected and appointed officials present: Paul Bernier, 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 Councilmember Donovic, and supported by Councilmember McCullough and unanimously adopted, it was:

#077-23 RESOLVED that the Minutes of the 1,963rd Regular Meeting of the Council held February 27, 2023 are approved as presented.

Councilmember McIntyre thanked Laurie Robinson, Salam Toma, Michael Rusnick, and Patrick McGrath for their service to the City of Livonia and wished them well in their retirement.

Vice President Toy requested a moment of silence in honor of the passing of Dr. Conway Jeffers, the former President of Schoolcraft College, and asked for a moment of silence.

Councilmember Donovic announced the Pure Potential Program which is a Grant Program designed to help small businesses in the City of Livonia that were forced to shut down during Covid.

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

#078-23 RESOLVED, that upon the motion by Councilmember Brandon McCullough, seconded by Council Vice President Laura Toy, at the Regular Meeting held March 13, 2023, the Council does hereby refer the subject matter of DTE and the City's power outages to the Committee of Whole for its report and recommendation.

Councilmember McIntyre congratulated Fire Chief Jennison on his acceptance into the Fire Service Executive Development Institute. She also announced the passing of Jim Herrod and Edward Brown.

President Jolly announced the Public Hearing scheduled on Monday, April 3, 2023 for the rezoning of the St. Mary Basilica property and the Livonia Vision 21 modifications.

During Audience Communication, Brent Sabo, 14587 Blue Skies St, asked for changes to the City's Road Repair Program to preserve healthy, mature right of way trees.

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

#079-23 RESOLVED, that having considered a communication from Robert H. Rais, Knights of Columbus Chairperson, dated February 7, 2023, requesting permission to waive Section 8.32.070 (Noise Control) of the Livonia Code of Ordinances, as amended, to host their 6th Annual Car Show with a DJ providing music at Saint Colette's Catholic Church, 17600 Newburgh Road, on Saturday, June 3, 2023 from 9:00 a.m. to 3:00 p.m., the Council does hereby grant permission as requested.

#080-23 RESOLVED, that having considered a communication from the City Planning Commission, dated February 15, 2023, approved for submission by the Mayor, which transmits its resolution #02-10-2023, adopted on February 14, 2023, with regard to Petition 2023-01-02-01 submitted by Alleviate Acupuncture Wellness Clinic, requesting waiver use approval to operate a massage establishment at 33300 Five Mile Road, Suite 105, located on the northeast corner of Five Mile and Farmington Roads in the Southwest ¼ of Section 15, the Council does hereby concur in the recommendation made by the City Planning Commission and Petition 2023-01-02-01 is hereby approved and granted, subject to the following conditions:

1. The use of a massage establishment at this location is allowed, provided that City Council waives the requirement under Section 6.37(3) that no massage establishment shall be located within four hundred feet (400') of a park;

2. This waiver is limited to Alleviate Acupuncture Wellness Clinic and shall only be transferred to another user after first obtaining City Council approval;
3. The Petitioner shall comply with all other special waiver use standards and requirements as outlined in Section 6.37 of the Zoning Ordinance and Chapter 5.49 of the Livonia Code of Ordinances; and
4. The Petitioner shall not engage in any form of solicitation for business within the public right-of-way of Farmington and Five Mile Roads.

#081-23 RESOLVED, that having considered a communication from the City Planning Commission, dated February 15, 2023, approved for submission by the Mayor, which transmits its resolution #02-10-2023, adopted on February 14, 2023, with regard to Petition 2023-01-02-01 submitted by Alleviate Acupuncture Wellness Clinic, requesting waiver use approval to operate a massage establishment at 33300 Five Mile Road, Suite 105, located on the northeast corner of Five Mile and Farmington Roads in the Southwest ¼ of Section 15, the Council does hereby waive the requirement that no massage establishment shall be located within four hundred feet (400 ft) of a park, as required by section 6.37(3) of the Livonia Vision 21 Zoning Ordinance.

#082-23 RESOLVED, that having considered the report and recommendation of the Director of Finance, dated February 17, 2023, approved for submission by the Mayor, to which is attached recommended final budget adjustments for Fiscal Year ending November 30, 2022, the Council does hereby authorize said budget adjustments and transfers in the manner and form set forth in the attachment.

#083-23 RESOLVED, that having considered the report and recommendation of the Library Director, dated February 15, 2023, which bears the signatures of the Director of Finance and the City Attorney, and is approved for submission by the Mayor, to which is attached a proposed Library Strategic Plan for the Livonia Public Library, prepared by Library IQ, the Council does hereby accept the bid of Library IQ, 2600 Tower Oaks Blvd., Suite 510, Rockville, MD 20852 for performing all work required in connection with facilitating the strategic planning process for the Livonia Public Library, in an amount not to exceed \$30,000.00; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$30,000.00 from funds already budgeted in Account No. 271-778-971-000 (Capital Outlay, Minor) for this purpose; FURTHER, the Council does hereby reject the bids of Rethinking Libraries, White Pine Solutions and Library Strategies in view of the Strategic Planning Committee (consisting of library department heads and two library commissioners) evaluating and scoring the four (4) proposals and

interviewing the top two companies, leaving Library IQ with the majority of the votes; FURTHER, the Mayor and City Clerk are hereby authorized for and on behalf of the City of Livonia to execute a contract, approved as to form and substance by the Department of Law, with Library IQ and to do all things necessary or incidental to the full performance of this resolution.

#084-23 RESOLVED, that having considered the report and recommendation of the Superintendent of Parks & Recreation, dated February 7, 2023, which bears the signature of the Director of Finance and is approved for submission by the Mayor, the Council does hereby authorize the purchase of one (1) Carson model, plant assembled, Easi-set precast concrete restroom building from Quality Precast, Inc., 7800 Adobe Rd., Kalamazoo, MI 49009, for the Ben Celani play area, to include complete assembly and placement on the prepared site, in an amount not to exceed \$75,500.00; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$75,500.00 from funds already budgeted in Account No. 101-758-974-000 (Capital Outlay) for this purpose; FURTHER, the Council does hereby determine to authorize the said purchase without competitive bidding inasmuch as Quality Precast, Inc. is a sole source provider of precast concrete restroom buildings 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.E.3 of the Livonia Code of Ordinances, as amended.

#085-23 RESOLVED, that having considered a communication from the Superintendent of Parks and Recreation, dated February 7, 2023, approved for submission by the Mayor, the Council does hereby approve the Annual Memorial Day Ceremony to be held on Saturday, May 27, 2023, from 8:30 a.m. to 10:00 a.m.; FURTHER, the Council does hereby request that the Wayne County Department of Public Service allow the City of Livonia to close Farmington Road north and southbound from Five Mile Road to Roycroft between the hours of 8:30 a.m. to 10:00 a.m. or until the road is returned to normal traffic operation; that the City of Livonia will assume liability for any damage claims which may arise as a result of the road closure, as to Wayne County only; and that Senior Police Officer Michael Arakelian is hereby designated and authorized to sign the road closure permit on behalf of the City of Livonia.

#086-23 RESOLVED, that having considered a communication from the Superintendent of Parks and Recreation, dated February 15, 2023, which bears the signatures of the Director of Finance and the City Attorney and is approved for submission by the Mayor, to which is attached Intergovernmental Agreements between the County of Wayne and the City of Livonia in connection with utilizing grant funds in the amount of \$96,179.00 and \$66,624.00 to be used for improvements at Ben Celani Play Area for the addition of a park pavilion and Mies Park for

the replacement of outdated playground equipment, with City participation estimated to be \$0.00 for the Ben Celani Play Area and \$135,000.00 for the Mies Park equipment, for a total estimated cost of \$300,000.00, the Council does hereby approve the proposed Intergovernmental Agreements between the County of Wayne and the City of Livonia and the Mayor and City Clerk are hereby authorized, for and on behalf of the City of Livonia, to execute the Intergovernmental Agreements in the manner and form herein submitted, subject to approval as to form and substance by the Department of Law, and to do all other things necessary or incidental to the full performance of this resolution; FURTHER, the Council does hereby authorize the grant funds to be deposited in Account No. 208-000-581-100, County Grant Revenue, when received; FURTHER, the Ben Celani Play Area project is expected to be completed in 2023 and the Mies Park project in 2024 with City funds and reimbursed by the County.

#087-23 RESOLVED, that having considered the report and recommendation of the Superintendent of Parks and Recreation, dated February 15, 2023, which bears the signature of the Director of Finance and is approved for submission by the Mayor, the Council does hereby accept the quote of Cornerstone Painting, 27066 Westland Road, Redford, MI 48240, for performing all work required in connection with the painting and carpentry work on the north side of the Alexander Blue House at Greenmead Historical Park in an amount not to exceed \$22,974.00; FURTHER, the Council does hereby reject the bids submitted by R&G Painting, LLC and TN Construction, LLC for the reason that said bids exceeded the estimated expenditure and such action is taken in accordance with Section 3.04.140.C of the Livonia Code of Ordinances, as amended; FURTHER, an amount not to exceed \$22,974.00 is hereby authorized to be expended from Account No. 101-821-931-220 for this purpose; and the Mayor and City Clerk are hereby authorized to execute a contract, subject to approval as to form and substance by the Department of Law, for and on behalf of the City of Livonia with Cornerstone Painting, and to do all things necessary or incidental to the full performance of this resolution.

#088-23 WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving up paper, wood for our homes, fuel for our fires, and countless other wood products; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, Livonia has been recognized as a *Tree City USA* by *The National Arbor Day Foundation* for the last seventeen years and desires to continue its tree-planting practices.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and members of the City Council of the City of Livonia hereby proclaim Friday, April 28, 2023 as *Arbor Day* in the City of Livonia, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and

FURTHER, we urge all citizens to plant trees to promote the well-being of this and future generations, and we invite citizens to join in the commemoration of Arbor Day planned by the Tree City Committee at Cleveland Elementary, 28030 Cathedral St. at 2:30 pm on Friday, April 28, 2023.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Governor Gretchen Whitmer, State Senator Dayna Polehanki, State Representative Laurie Pohutsky, the Michigan Municipal League State and Federal Affairs Division, and the Conference of Western Wayne.

#089-23 RESOLVED, that having considered the report and recommendation of the Director of Public Works, dated February 14, 2023, which bears the signature of the Director of Finance and is approved for submission by the Mayor, the Council does hereby authorize the purchase of two (2) 2023 Ford F-550 regular cab 4x4 chassis pickup trucks to be upfitted as small dump trucks, at a cost of \$65,325.00 each, for a total amount of \$130,650.00, from Lunghamer Ford (formerly Signature Ford), 1960 E. Main Street, Owosso, Michigan 48867; and the upfitting of said vehicles by Truck & Trailer Specialties, 900 Grand Oaks Dr., Howell, MI 48843, at a cost of \$59,825.00 each, for a total amount of \$119,650.00; plus a contingency amount of \$5,000.00 each to cover any unforeseen cost escalations, for a grand total not to exceed \$260,300.00; to be utilized by the Roads Department (ID #88/#159) and to replace similar vehicles which have surpassed their life expectancy; FURTHER, an amount not to exceed \$260,300.00 is hereby authorized to be expended from funds budgeted in Account No. 401-000-985-010 for this purpose; FURTHER, the Council does hereby determine to authorize the

said purchase without competitive bidding inasmuch as the same is being purchased through the State of Michigan Procurement Agreement (Contract #071B7700180) and Macomb County Contract #21-18 for the new vehicle purchases; and through the Rochester Hills Co-Op Award Agreement (RFP-RH-20-023) for the upfitting of said vehicles; and such action is taken in accordance with the provisions set forth in Section 3.04.140.E.4 of the Livonia Code of Ordinances, as amended; FURTHER, the Council does hereby authorize the disposal of the replaced vehicles at public auction hosted by the Michigan Inter-governmental Trade Network (MITN) or commercial auction after receipt of the new vehicles.

#090-23 RESOLVED, that having considered the report and recommendation of the Director of Public Works, dated February 14, 2023, which bears the signature of the Director of Finance and is approved for submission by the Mayor, the Council does hereby authorize the purchase of one (1) 2023 Ford F-550 regular cab 4x4 chassis pickup truck to be upfitted as a flatbed truck, at a cost of \$65,325.00, from Lunghamer Ford (formerly Signature Ford), 1960 E. Main Street, Owosso, Michigan 48867; and the upfitting of said vehicle by Versalift Midwest, LLC, 15761 Danview Technology Ct., Shelby Township, MI 48315, at a cost of \$56,346.00; plus a contingency amount of \$5,000.00 to cover any unforeseen cost escalations, for a total amount not to exceed \$126,671.00; to be utilized by the Roads Department (ID #77) and to replace a similar vehicle which has surpassed its life expectancy; FURTHER, an amount not to exceed \$126,671.00 is hereby authorized to be expended from funds budgeted in Account No. 401-000-985-010 for this purpose; FURTHER, the Council does hereby determine to authorize the said purchase without competitive bidding inasmuch as the same is being purchased through the State of Michigan Procurement Agreement (Contract #071B7700180) and Macomb County Contract #21-18 for the new vehicle purchase; and through MI-Deal Contract No. 071B7700166 for the upfitting of said vehicle; and such action is taken in accordance with the provisions set forth in Section 3.04.140.E.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.

#091-23 RESOLVED, that having considered the report and recommendation of the Director of Public Works, dated February 14, 2023, which bears the signature of the Director of Finance, and is approved for submission by the Mayor, regarding additional appropriation and expenditure for the surcharge of two (2) RDS Freightliner 108SD trucks, due to manufacturer price increase, previously authorized in Council Resolution Nos. 169-21 and 166-21, adopted on May 24, 2021; the Council does hereby appropriate and authorize an expenditure in an amount not to exceed \$13,400.00, payable to Wolverine Freightliner

Eastside, 107 S. Groesbeck Hwy., Mt. Clemens, MI 48043, for additional surcharge on the purchase of two (2) RDS Freightliner 108SD trucks (#27 and #319), due to manufacturer surcharge; FURTHER, the Council does hereby appropriate and authorize an amount not to exceed \$6,700.00 from Account No. 592-559-142-000 (Vehicle #319) and \$6,700.00 from Account No. 401-000-985-010 (Vehicle #027) for this purpose.

#092-23 RESOLVED, that having considered a communication from the Assistant Director of Public Works, dated February 15, 2023, which bears the signatures of the Director of Public Works and the Director of Finance, and is approved for submission by the Mayor, requesting approval to continue to participate in the Alliance of Rouge Communities (ARC) and for payment of the Annual Assessment for 2023, the Council does hereby approve the City of Livonia's continued participation in the Alliance of Rouge Communities (ARC) and for payment to the Alliance of Rouge Communities, 46036 Michigan Avenue, Suite 126, Canton, MI 48188, in the amount of \$36,504.00 for the City's Annual ARC Assessment for 2023; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$36,504.00 from funds already budgeted for the 2022-2023 budget year in Account No. 592-559-923-030 for this purpose.

#093-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated February 13, 2023, 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 Crosswinds Court Subdivision, Inc., a Michigan corporation, in conjunction with the construction of a storm drainage system to provide adequate drainage from property developed on the west side of Dover Avenue, south of Ann Arbor Trail, in the Southwest ¼ of Section 33, 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 on the west side of Dover Avenue, south of Ann Arbor Trail, in the Southwest ¼ of Section 33, for the development of Dover Court Site Condominium, which accommodates storm water from property developed on the west side of Dover Avenue, south of Ann Arbor Trail, in the Southwest ¼ of Section 33, with the maintenance agreement from the proprietor, Crosswinds Court Subdivision, Inc., a Michigan corporation, located at 37771 Seven Mile Road, Suite C, Livonia, MI 48152, attached to said report and recommendation, indicating a corporate commitment to maintain the system and reimburse the City for any maintenance the City performs;

2. To authorize the Mayor and City Clerk to execute the Storm Water Facilities Maintenance Agreement on behalf of the City;
3. To advise the Wayne County Department of Public Services (Permit Section) that the City of Livonia has approved the storm water collection system site plans and further, that the City will accept jurisdiction and maintenance (at no expense to the County) of the storm sewer within the property located west side of Dover Avenue, south of Ann Arbor Trail, in the Southwest ¼ of Section 33, for the development of Dover Court Site Condominium; and
4. To authorize the City Engineer to execute a Wayne County permit on behalf of the City of Livonia in connection with the above storm sewer collection system.

#094-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated February 16, 2023, 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 a Contractor Recommendation from OHM Advisors, 34000 Plymouth Road, Livonia, MI 48150, in connection with the 2023 Asphalt Road Paving Program (Contract 23-A), the Council does hereby accept the negotiated bid of Nagle Paving Company, 36780 Amrhein, Livonia, Michigan 48150, for performing all work required in connection with the 2023 Asphalt Road Paving Program (Contract 23-A) on various asphalt streets throughout the City of Livonia, for the estimated total cost of \$3,803,196.00, based on the Engineering Division's estimate of units of work involved and subject to the final payment based on the actual units of work completed in accordance with the unit prices accepted herein, said estimated cost and unit prices having been in fact the sole bid received which meets all specifications; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$3,803,196.00 from funds already budgeted in the Roads, Sidewalk and Tree Fund in the following accounts:

- Account No. 204-463-818-110 (Reconstruction) \$ 48,840.00
- Account No. 204-463-818-112 (Rehabilitation) \$ 3,687,096.00
- Account No. 204-463-818-114 (Maintenance) \$ 67,260.00

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; 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.

#095-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated February 16, 2023, submitted pursuant to Council Resolution No. 336-21, 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, to which is attached a proposed amendment to the Engineering contract between the City of Livonia and OHM Advisors, 34000 Plymouth Road, Livonia, Michigan 48150 for the 2023 Asphalt Road Program (Contract 23-A), the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute the attached contract amendment between the City of Livonia and OHM Advisors, 34000 Plymouth Road, Livonia, Michigan 48150, to provide construction engineering services for the 2023 Asphalt Road Program (Contract 23-A) in an amount not to exceed \$456,384.00, said amount being based on the preliminary cost estimates and subject to adjustment based on the actual bids; FURTHER, the aforesaid proposal is accepted without competitive bidding pursuant to Livonia Code of Ordinances Section 3.04.140.E.2.b; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$456,384.00 from funds budgeted in Account No. 204-441-818-102 (Road, Sidewalk and Tree Fund) 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.

#096-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated February 15, 2023, which bears the signatures of the Director of Finance, the Director of Public Works and the City Attorney, and is approved for submission by the Mayor, the Council does hereby accept the unit price bid of Great Lakes Contracting Solutions, LLC, 2300 Edinburgh, Waterford, MI 48328 for performing all work required in connection with the 2023 Concrete Road Maintenance/Selective Slab Program (Contract 23-J) on various concrete streets throughout the City of Livonia, at the unit prices bid for the estimated total cost of \$1,601,803.67, based upon the Engineering Division's estimate of units involved, and subject to a final payment based upon the actual units completed in accordance with the unit prices accepted herein, said estimated cost and unit prices having been in fact the lowest bid received for this item and meets all specifications; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$1,601,803.67 for the 2023 Concrete Road Maintenance/Selective Slab Program (Contract 23-J) from funds budgeted in Account No. 204-463-818-114 (Road, Sidewalk and Tree Fund – Maintenance) 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; and the Mayor and City Clerk are hereby authorized for and on behalf of the City of Livonia to execute a contract with the aforesaid company, approved as to form and substance by the Department of Law, and to do all other things necessary or incidental to the full performance of this resolution.

#097-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated February 16, 2023, submitted pursuant to Council Resolution 336-21, 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, to which is attached a proposed amendment to the engineering contract between the City of Livonia and Anderson, Eckstein and Westrick, Inc., 51301 Schoenherr Road, Shelby Township, Michigan 48315 for construction engineering services for the 2023 Concrete Road Maintenance/Selective Slab Program (Contract 23-J), the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute the attached contract amendment between the City of Livonia and Anderson, Eckstein and Westrick, Inc., 51301 Schoenherr Road, Shelby Township, Michigan 48315 to provide construction engineering services for the 2023 Concrete Road Maintenance/Selective Slab Program (Contract 23-J), in an amount not to exceed \$200,226.00, said amount being based on the preliminary cost estimates and subject to adjustment based on the actual bids; FURTHER, the aforesaid proposal is accepted without competitive bidding pursuant to Livonia Code of Ordinances Section 3.04.140.E.2.b; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$200,226.00 from funds budgeted in Account No. 204-441-818-102 (Road, Sidewalk and Tree Fund) 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: McIntyre, Toy, Bahr, Donovic, Morgan, McCullough, and Jolly

NAYS: None

Councilmember McCullough provided a report of the Capital Outlay and Infrastructure Committee meeting re: subject matter of the 2022 Facility Condition Assessment and Space Needs Assessment and indicated that it will remain in Committee. (CR 02-23)

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

#098-23 RESOLVED, that having considered the report and recommendation of the Capital Outlay and Infrastructure Committee, dated March 1, 2023, submitted pursuant to Council Resolution 48-23, and further having considered a communication from the Assistant Director of Public Works, dated January 17, 2023, 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, in connection with the Building Controls System Upgrade Project of four (4) Livonia City buildings, the Council does hereby accept the bid of Havel, a Division of Shambaugh & Son, LP, 21661 Melrose Avenue, Southfield, MI 48075, for completing all work required in connection with the Building Controls System Upgrade Project of four (4) Livonia City buildings, to include the Police Department Headquarters, Bennett Civic Center Library, Carl Sandburg Branch Library and the 16th District Courthouse, including all labor, materials and equipment, for a total amount not to exceed \$981,662.00; the same having been in fact the lowest bid received which meets all specifications; FURTHER, 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 contract adopted pursuant to CR 378-20, between the City of Livonia and OHM Advisors, 34000 Plymouth Road, Livonia, Michigan 48150, to provide construction administration services for the Building Controls System Upgrade Project in an amount not to exceed \$55,000.00, subject to approval as to form and substance by the Department of Law; FURTHER, the Council does hereby authorize an expenditure in the amount of \$646,505.00 from budgeted funds in Account No. 401-000-987-000 and authorizes an additional appropriation from the unexpended fund balance of the Capital Projects Fund (401) in the amount of \$390,157.00, for a total amount not to exceed \$1,036,662.00 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.

On a motion by Councilmember McIntyre, and supported by Councilmember Donovic, it was:

#099-23 RESOLVED, that having considered a communication from the City Planning Commission, dated February 3, 2023, approved for submission by the Mayor, which transmits its resolution #01-06-2023,

adopted on January 31, 2023, with regard to Petition 2022-12-02-21, submitted by EROP, L.L.C. requesting to redevelop the site, including demolishing the existing restaurant (Archie's) and constructing a new automated auto wash facility (Whitewater Express), at 30471 Plymouth Road, located on the south side of Plymouth Road between Middlebelt Road and Milburn Avenue in the Northwest ¼ of Section 35, the Council does hereby concur in the recommendation made by the City Planning Commission and Petition 2022-12-02-21 is here by approved and granted, subject to the following conditions:

1. The Site Plan identified as sheet C-2, dated January 27, 2023, prepared by Stonefield Engineering & Design, is approved and shall be adhered to;
2. All parking spaces, except the required handicapped spaces, shall be doubled striped at least ten feet (10') wide by twenty feet (20') in length;
3. The hours of operation, including the vacuums, shall be limited to 8:00 a.m. to 8:00 p.m.;
4. The Landscape Plan identified as sheet C-6, dated January 27, 2023, prepared by Stonefield Engineering & Design, is approved and shall be adhered to, except that additional evergreen screening shall be provided along the south side of the property subject to the review and approval of the Planning Department;
5. The brick piers and fencing along Plymouth Road as shown on the revised site plan shall match the existing PRDA brick piers and fencing;
6. All dying, dead, diseased, or missing landscaping shall be replaced at the direction of the Planning and Inspection Departments;
7. All disturbed lawn areas, including road rights-of-way, shall be sodded instead of hydroseeding;
8. Underground sprinklers shall be installed for all landscaped and sodded areas. All planted materials shall be installed to the satisfaction of the Inspection Department and permanently maintained in a healthy condition;
9. The Elevation Plan identified as sheet A200, dated November 16, 2022, prepared by REB Architects, is approved and shall be adhered to;
10. The three walls of the dumpster enclosure shall be constructed with the same brick used in the construction of the building. If a poured wall is used, the design, texture, and color shall match the building. The

enclosure gates shall consist of opaque and durable steel or composite panels;

11. All rooftop mechanical equipment shall be concealed from public view on all sides by screening, consisting of material compatible in color with other exterior materials on the building;
12. All light fixtures shall not exceed a height of twenty feet (20') and shall be aimed and shielded to minimize stray light trespassing across property lines and glaring onto adjacent roadways. All exterior lights shall be turned off or dimmed between 8:30 p.m. and 7:30 a.m.;
13. Only conforming signage is approved with this petition, and any additional signage shall be separately submitted for review and approval by the Zoning Board of Appeals;
14. No LED light band or exposed neon shall be permitted on this site, including, but not limited to, the building or around the windows;
15. Unless approved by the Inspection Department, any type of exterior advertising, such as promotional flags, streamers, or sponsor vehicles designed to attract the attention of passing motorists, shall be prohibited;
16. The plans referenced in this approving resolution shall be submitted to the Inspection Department with the building permit application(s); and
17. Per Section 13.13 of the Livonia Vision 21 Zoning Ordinance, this approval is valid for one (1) year from the date of approval by the City Council. Unless a building permit is obtained, this approval shall be null and void after the one (1) year period.

Deb Christiansen, Livonia Resident, voiced her opposition to the new car wash. (Petition #2022-12-02-21)

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

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

NAYS: Toy

On a motion by Vice President Toy, supported by Councilmember

McIntyre, it was:

#100-23 RESOLVED, that upon the motion by Councilmember Kathleen McIntyre, seconded by Council Vice President Laura Toy, at the Regular Meeting held March 13, 2023, regarding the subject matter of offering free teen memberships at Jack E. Kirksey Recreation Center for Livonia teens ages 14-17 for the summer of 2023, from June 15, 2023

through September 4, 2023, the Council does hereby refer this item to the Senior Citizens, Families and Environment Committee for its report and recommendation.

Vicki Harkey, 19015 Woodring, asked why free passes would be offered, what the process will be, how the pilot program be assessed, and if members would be allowed input. She also asked where funds will come from since staff may need to be increased and if access will be restricted if rules aren't followed.

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

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

NAYS: Bahr and Jolly

On a motion by Vice President Toy, and supported by Councilmember

McIntyre and unanimously adopted, it was:

#101-23 RESOLVED, that having considered a communication from the Department of Law, dated March 7, 2023, approved for submission by the Mayor, the Council does hereby authorize the Department of Law to resolve the claims brought on behalf of Andrew Mathews; U.S. District Court Case No; No.2:21-cv-10361; for the amount of \$35,000.00, and the Department of Law is hereby authorized to do all things necessary or incidental to the full performance of this resolution.

There was no audience communication.

On a motion by Vice President Toy, supported by Councilmember McCullough, and unanimously adopted, this 1,964th Regular Meeting of the Council of the City of Livonia was adjourned at 7:56 p.m.

Susan M. Nash, City Clerk