

**CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD MAY 8, 2023**

Meeting was called to order at 8:20 p.m. by Council President Jim Jolly. Present: Kathleen McIntyre Vice President Laura Toy, Scott Bahr, Rob Donovic, Scott Morgan, Brandon McCullough, and President Jim Jolly. Absent: None

Elected and appointed officials present: Susan Nash, City Clerk; Paul Bernier, City Attorney; David Lear, Assistant City Engineer; Mark Taormina, Director of Planning and Economic Development; Don Rohraff, Director of Public Works; Ted Davis, Superintendent of Parks and Recreation; and Casey O'Neil, Information Systems Director.

Councilmember McIntyre led the Pledge of Allegiance.

AUDIENCE COMMUNICATION: Ian Edgar, 28828 Westfield, from Anastasia and Kate's Coffee Shop indicated there are still spots available for the Car Show Fundraiser to be held on May 28, 2023.

Councilmember McIntyre addressed Paul Bernier and said in the past, we had the Director of Administrative Services or the Director of Governmental Affairs at meetings to be a liaison between Council and the Mayor's office. She asked if Paul Bernier is now the liaison. Paul indicated he is not and Mr. Varga, Director of Administrative Services, is watching the meeting on television. Councilmember McIntyre indicated wants to be sure the information referred to the administration is addressed.

NEW BUSINESS

1. REQUEST TO BARRICADE CITY STREETS: Patty Novak, Christadelphians Church, re: on Van Court between Levan and Raleigh from Monday, August 7, 2023, until Friday, August 11, 2023, from 8:30 a.m. until 1:30 p.m. each day in order to host Vacation Bible School.

Patty O'Brien Novak, 15586 Nola Circle, presented the request to Council.

Councilmember Bahr offered an approving resolution for the Consent agenda.

DIRECTION: APPROVED CONSENT

2. BLOCK PARTY: Sylvia Kissick and Jackie Gordon, re: to be held June 10, 2023, from 4:00 p.m. to 10:00 p.m., on Arden Street between Elmira and Orangelawn Streets, with no rain date requested.

Sylvia Kissick, 11028 Arden Street, presented the request to Council.

Vice President Toy offered an approving resolution for the Consent agenda.

DIRECTION: APPROVED CONSENT

3. BLOCK PARTY: Nicholas Scott, re: to be held July 2, 2023, from 10:00 a.m. to 10:00 p.m., on Ohio Street, between Maryland and California, with no rain date requested.

Councilmember Donovic offered an approving resolution for the Regular agenda to allow the petitioner the opportunity to present the request.

DIRECTION:

APPROVED

REGULAR

4. REQUEST TO WAIVE THE CITY'S NOISE ORDINANCE: Wafi Barshini, Festival Chairperson, The Basilica of St. Mary Antiochian Orthodox Church, re: in order to host a festival from Thursday, August 10, 2023, through Sunday, August 13, 2023, in the rear parking lot at 18100 Merriman Road.

President Jolly indicated we have new data on this item in the form of an email coming from a resident who abuts or is located near the property. He also relinquished the gavel to Vice President Toy in an effort avoid an appearance of impropriety since he works for the law firm that works with St. Mary's.

Wafi Barshini and Freddy Sackllah, representatives of St. Mary Antiochian Orthodox Church, presented the request to Council.

Vice President Toy asked for the event times being requested. Mr. Barshini indicated it would be Thursday and Friday from 5:00 p.m. to 11:00 p.m., Saturday from noon to 12:00 a.m., and Sunday from noon to 10:00 p.m.

Councilmember Bahr asked Paul Bernier what time restrictions would apply if this request were not approved. Paul Bernier indicated they wouldn't be allowed to play at all since it is amplified music.

Councilmember Bahr indicated there have been a lot of complaints from neighbors the last couple of years which is startling to him given the distance between the property and the residents. Mr. Sackllah indicated the festival used to be held in Bryant Park and they had built relationships with those surrounding residents. The event moved to the church parking lot, and they didn't speak with those neighbors until last year. They also tried to redirect the speakers and had a sound engineer check a decibel meter twice last year. He indicated they are trying to work with the community on the matter.

Councilmember Bahr indicated his email has been flooded with complaints and he is struggling with approval in good faith. Mr. Sackllah asked Councilmember Bahr to give his personal cell phone number to people that sent emails so he can talk with them to resolve this. Councilmember Bahr applauded his efforts to meet the neighbors.

Councilmember Donovic asked Paul Bernier how the Noise Ordinance is enforced after the permitted times. Paul said if Council conditions aren't followed, they can be ticketed and charged with a misdemeanor criminal offense.

Councilmember Donovic asked if the petitioner could reposition the tent stage since it appears to point toward most of the residents. Mr. Sackllah indicated the map is incorrect as they have already repositioned the tent and stage, put walls up on the sides of the tent. He said there they could probably add another wall. He also

indicated if they go past the permitted time residents will call. He offered to pay a Reserve Security Officer to ensure the noise stops by the permitted time. Councilmember Donovic asked that they submit an accurate map prior to the next meeting.

Councilmember McCullough asked what decibels were found when they measured. Mr. Sackllah said it was 120 decibels. Councilmember McCullough stated that excessive noise is 70 decibels. He asked Paul Bernier if Council could impose a decibel level requirement. Paul indicated Council could apply any conditions they feel appropriate.

Councilmember McCullough offered an approving resolution to allow the waiver of the Noise Ordinance with the stipulation that the decibel level permitted during the event is no greater than 70 and no greater than 60 at 11:00 p.m., both measured at the property line.

Councilmember McIntyre asked how bass is measured, as the bass is what rattles windows.

Vice President Toy asked if the Petitioner could use different speakers or if they have outgrown the space being used. Mr. Sackllah offered to get sound engineers involved but he thinks 70 decibels is too low. He is asking people to come to the event on Thursday at 7:00 p.m. to discuss it. He also said the event may need to be moved back to Bryant Park.

Councilmember Donovic said he supports Councilmember McCullough's motion.

Councilmember McCullough repeated his motion to approve the event with a maximum decibel level of 70 at the property line during the event and a maximum level of 60 decibels at the property line after the time permitted, at the request of Vice President Toy. He also shared that according to Google, a rock concert is 110 decibels, a siren is 120 decibels, and a jet taking off is 140 decibels. He clarified that he is asking for 70 decibels at the property line.

Councilmember McIntyre reiterated the bass is too loud if windows are shaking at the house closest to the festival. She asked Paul Bernier if there was any way to restrict this. Paul indicated he believes there is a way to measure the bass.

Michela Cusin, 31098 Bobrich Street voiced her opposition due to the level of noise and because it shakes the house.

Christine Koss, 17627 Hillcrest Street opposes it because there are after parties and noise from the trailers late into the night.

Katelyn Skylis, 30528 Jeanine, also opposes the waiver due to the noise level and her windows vibrating.

Dave Cusin, 31098 Bobrich approves of limiting the noise level to 70 decibels at the property line.

Councilmember McCullough offered an approving resolution for the Regular agenda with an additional requirement that limits sound to 60 decibels at the property line when the event ends and 70 decibels at the property line during the event.

DIRECTION: APPROVED REGULAR

President Jolly resumed the gavel.

5. REQUEST TO WAIVE THE CITY'S NOISE ORDINANCE: Rev. Dr. Rodrigue Constantin, Saint Rafka Maronite Catholic Church, re: in order to hold a cultural festival with music played by a DJ and live bands at Saint Rafka Maronite Catholic Church located at 32765 Lyndon Street on Friday, August 18, 2023, from 5:00 p.m. to 12:00 a.m., Saturday, August 19, 2023, from 1:00p.m. to 12:00a.m. and Sunday, August 20, 2023, from 1:00 p.m. to 9:00 p.m.

Linda Acoury, representative of St. Rafka Church, presented the request to Council.

Councilmember Bahr offered an approving resolution for the Consent agenda.

DIRECTION: APPROVED CONSENT

6. WAIVER USE EXTENTION: Petition 2022-02-02-03 submitted by Tiseo Architects, Inc. on behalf of Plymouth Auto Sales, requesting a two-year extension of the waiver use granted on May 2, 2022 (CR #135-22) involving the operation of a used auto dealership with repair facilities and outdoor display of vehicles at 36534 Plymouth Road, located on the north side of Plymouth Road between Levan Road and Market Street in the Southwest ¼ of Section 29.

Julian Shahinllari, owner of Plymouth Auto Sales, presented the request to Council.

President Jolly indicated the information presented made sense in terms of why to extend project approval but not since it was changed from the intended use.

Councilmember Donovic said he understands the problems involved with the parking lot paving but also sees the need of the business owner. He offered an approving resolution for the Regular agenda.

President Jolly asked Mark Taormina if it was common for us to grant a two-year extension or if a one-year extension is more common. Mark said the majority are one-year extensions.

President Jolly explained two different things are going on since they are using it for something other than what was originally approved. He asked the petitioner who currently rents the property. Mr. Shahinllari said the business is Honey Bins and they are within the Ordinance.

Councilmember McCullough verified with Mark Taormina that a two-year extension would mean the petitioner would not need to come back to Council.

Councilmember McIntyre asked why this requires a two-year extension rather than one-year. Mr. Shahinllari indicated they cannot find a tenant willing to rent for one year. Councilmember McIntyre verified their two-year lease is through September of 2024 and indicated she felt they would then be up against the clock to start the paving. He said he plans on having the paving project begin as soon as the tenant leaves and it would be done by early 2025 depending on weather. Councilmember McIntyre said she is uncomfortable with a two-year extension for a business that has nothing to do with what was originally approved.

Vice President Toy indicated it is difficult to find contractors since COVID and she feels the frustration as a small business owner as well.

DIRECTION: APPROVED REGULAR

7. SITE PLAN PETITION: Planning Commission, re: Petition 2023-03-08-02 submitted by Four Winds Church, requesting to expand the parking lot of the church at 31840 Seven Mile Road, located on the north side of Seven Mile Road between Merriman Road and Osmus Avenue in the Southeast ¼ of Section 3.

Mark Taormina, Director of Planning and Economic Development, presented the request to Council.

David Hamilton and Pastor Jeff Noble, representatives of Four Winds Church, were present to answer questions.

Vice President Toy asked if the congregation is growing. Mr. Hamilton said they have added services and are trying to be good neighbors and keep cars off the street. They have tried to contact the neighbors without success.

Vice President Toy offered an approving resolution for the Consent agenda.

Councilmember Donovic asked Mark Taormina if Planning wants the fence or shed in the plans removed to allow for additional driveway space. Mark indicated the request is based on Public Safety requirements. Councilmember Donovic asked if the shed could be removed. Mr. Hamilton said the shed is a substantial structure and removal would be costly. The church would like to paint the fence since there is little room for landscaping. Councilmember Donovic asked if the landscaping requirements could be removed to allow five more feet of driveway to satisfy the Public Safety Department.

Councilmember Morgan said he agrees with removing the landscaping requirement since it would be a safety issue to get fire trucks or an ambulance in and it would make it flow a whole lot better.

Councilmember Bahr indicated it has been this way a long time and he thinks 15 feet is fine.

Councilmember McCullough asked Mark Taormina where the fire department connection is on the property. Mr. Hamilton said he believes it to be on the east side of the building.

President Jolly indicated he felt there is a gray area here leaving it to the administration to clarify with the petitioner.

Councilmember Bahr said it is his understanding that the resolution leaves it at 15 feet but recognizes that 20 feet may be required. Mr. Hamilton said they would plant Arborvitaes if approved at 15 feet.

President Jolly said this will be on the Regular agenda giving the petitioner an additional two weeks to contact the neighbors.

DIRECTION: APPROVED REGULAR

8. SITE PLAN PETITION: Planning Commission, re: Petition 2023-03-08-03 submitted by Nofar Hotel Group, requesting to construct a four-story Staybridge Suites Hotel at 31501 Schoolcraft Road, located on the south side of Schoolcraft Road between Merriman Road and Hubbard Avenue in the Northeast ¼ of Section 27.

Mark Taormina, Director of Planning and Economic Development, presented the request to Council.

Brian Biskner of Powell Engineering was present to answer questions.

Councilmember Bahr offered an approving resolution for the Regular agenda.

DIRECTION: APPROVED REGULAR

9. REQUEST TO APPROVE INCREASE IN COMPENSATION FOR THE ASSISTANT CITY TREASURER AND ASSISTANT CITY CLERK: Civil Service Department re: to increase compensation to be aligned with the Deputy Treasurer and Deputy Clerk classifications.

Jeannine Laible, Human Resources Director, presented the request to Council.

President Jolly said he wasn't familiar with an Assistant City Treasurer and Assistant City Clerk and only knew there were deputies. He asked for clarification on this position.

Jeannine Laible indicated it is an appointed position, and for example, if the Treasurer and Deputy Treasurer were out, the Assistant would be next in line to step up as needed. She verified there is typically one for each department.

Vice President Toy asked if we currently have these in place in either one of these departments or if the person would move up as needed and then move back down. She asked if this is equivalent with other communities. Jeannine said the position.

exists but is not regularly filled. It is more of a space where someone working in Civil Service could move into while having their position protected to move back down as a temporary assignment. She indicated that a wage study wasn't done but it is being kept consistent with the increase of the Deputy Clerk and Deputy Treasurer.

Vice President Toy offered an approving resolution for the Consent agenda.

DIRECTION: APPROVED CONSENT

10. AWARD OF CONTRACT: Department of Economic Development, re: to provide a transportation study for the City of Livonia, from budgeted funds.

Jacob Uhazie, Planning and Economic Development Coordinator, presented the request to Council.

Councilmember Morgan asked if this would include a biking or walking path to get from the north end to the south end. Jacob indicated it was strictly for public and community transit.

Councilmember McIntyre indicated this is a huge topic and big bus routes don't serve the needs of our population and our businesses. She feels this is important and a very appropriate expenditure.

Councilmember McCullough complimented Mr. Uhazie on this project.

Councilmember Donovic indicated the Livonia Community Transit program is at capacity because it's not getting the resources it needs from the city. He would like to see the impact this has on the community. He doesn't support going back to mass transit and spending money on something that our residents won't use.

Jacob Uhazie clarified that it is a \$100,000 study and Semcog is paying \$32,000 and Masco has contributed \$15,000.

Councilmember McIntyre offered an approving resolution for the Consent agenda.

DIRECTION: APPROVED CONSENT

11. AWARD OF BID: Department of Parks and Recreation, re: for the replacement of the fence at Botsford Pool, from budgeted funds.

Ted Davis, Superintendent of Parks and Recreation, presented the request to Council.

President Jolly indicated this is necessary and that the homes in that neighborhood are very well cared for and our park isn't living up to those expectations.

Councilmember McCullough offered an approving resolution for the Consent agenda.

DIRECTION: APPROVED CONSENT

12. REQUEST TO WAIVE THE CITY'S FORMAL BIDDING PROCESS AND APPROVE AN ANIMAL SHELTERING AGREEMENT BETWEEN THE CITY OF LIVONIA AND THE MICHIGAN HUMANE SOCIETY: Department of Public Works, Animal Control Division, re: for the period of March 1, 2023, to December 31, 2023, with a boarding/holding fee increase to \$5,726.25 per month.

Don Rohraff, Director of Public Works, presented the request to Council. He indicated representatives from the Humane Society are present for questions.

President Jolly said he understands the need but the jump in price in 2018 was unlike any other vendor in the city. This increase is 20 to 25% and is going up about \$1,200 a month while getting significantly less services than in the past. He suggested we touch base with other communities and see if there's an opportunity for different shared resources.

Don indicated they have spent the last several months reaching out to different communities, shelters and other places to see if they could find or coordinate services.

Councilmember McIntyre said the contract expired in March and she doesn't understand why Council wasn't informed prior to accepting a month-to-month agreement. She asked Paul Bernier services are being done without a contract in place. Paul said we are on a month-to-month basis and probably should have brought it up sooner, but we thought we would be able to find other services.

Vice President Toy indicated the Michigan Humane Society has always been a sole source. She said perhaps we need to look at licensing and if that might be of help. She also asked where injured animals would be taken.

Don indicated we have been going back and forth with the Law Department and the Humane Society trying to see if we could negotiate. We do have another vet we can take animals to on an after-hours or holiday basis. Councilmember McIntyre verified the price would be in addition to the amount paid to the Humane Society.

Vice President Toy mentioned Tailwaggers stating they are not an intake facility. She would like to hear from them too.

President Jolly said he recently used an emergency vet and quickly incurred a \$2000 bill. He asked how we could pay these bills and if there is anything in place to recapture costs from pet owners. Paul Bernier said we do try to recuperate as much as we can in the criminal process. He estimates we collect less than 50% in restitution.

Councilmember McCullough asked Don if we tried to put this on an RFP on MITN. Don said we have not but have reached out to Taylor, Southfield, Huron, and Washtenaw and other communities. Councilmember McCullough said MITN has a vast reach and understands we are stuck with this for one year but suggests we try that going forward. Don indicated we tried to partner with other communities and have talked about how it might be brought in house. Councilmember McCullough asked who at emergency care decides if we treat or euthanize an animal.

Councilmember McIntyre gave an example: we pick up an animal in terrible condition that isn't chipped and take them to a vet then we say the taxpayer is now on the hook. She would like to know what other communities do. Don said every city is different, Wayne houses animals to a certain point before taking them to the Humane Society. He also clarified that there is an extra cost at the Humane Society for treating injured animals as well.

Vice President Toy asked if Council could address the representatives from the Humane Society.

Laura Bolden, Michigan Humane Society, stated the City has not had any after hours emergency care since the new contract at the end of the year. Additionally, after hour care would be a matter of stabilizing the animal and they could come to the facility once they open.

Vice President Toy ask who could come and pick up the animal from the emergency facility. Laura said Animal Control could bring them during business hours. Vice President Toy asked why they no longer see animals after hours and Laura explained that they no longer have a vet on site. The previous standard was to euthanize after hours and care has evolved so they now need to see the emergency vet.

Vice President Toy asked why such a large increase. Laura explained the cost of care for animals is \$689.00 on average. Vice President Toy asked if housing and food are considered caring for them. Laura said it includes any care that is needed until they are claimed or adopted. She said reclaimed animal cost charged to owners is credited to the City. Of the 519 animals taken last year, 135 were reclaimed at an average of \$100 per animal and mostly dogs. The animals must also be licensed before they go home. They don't recommend any specific emergency care facility as it is a conflict of interest.

Councilmember Bahr asked Don why we wouldn't use MITN. Don said it's a sole supplier situation and there's not a lot of competition out there. Councilmember Bahr asked if there was competition, and it was on MITN if we would get anything and what happens if this is not approved. Don said we would continue month-to-month and can put it out on MITN. Councilmember Bahr asked about cost savings for a contract versus month-to-month. Don said the cost is the same and we have a 30 day out clause.

Councilmember Bahr offered approving resolution with a referral to the Public Safety and Health Committee to get a report from the Administration as they invest other options.

DIRECTION:

APPROVED

CONSENT

13. REQUEST TO APPROVE PURCHASE OF ROCK SALT FOR ICE CONTROL: Public Works Division, re: utilizing a cooperative bidding process, for the 2023-2024 and 2024-2025 seasons, with four additional one-year extensions at the approved three percent per year increase, from budgeted funds.

Don Rohraff, Director of Public Service presented the request to Council.

Vice President Toy offered an approving resolution for the Consent agenda.

DIRECTION: APPROVED CONSENT

14. REQUEST TO ACCEPT STORM WATER FACILITIES MAINTENANCE AGREEMENT: Engineering Division, re: from Comfort Care Senior Living, in conjunction with the construction of a storm drain system that provides adequate drainage for property located at 34020 Plymouth Road in the Southeast 1/4 of Section 28.

Todd Zilincik, City Engineer, presented the request to Council.

Councilmember Donovic offered an approving resolution for the Consent agenda.

DIRECTION: APPROVED CONSENT

15. AWARD OF CONSTRUCTION CONTRACT: Engineering Division, re: for the Michigan Economic Development Corporation (MEDC) Grant - Denmark Drain Channel Improvement Project (CR 95-22 and CR 298-22)

Todd Zilincik, City Engineer, presented the request to Council.

Councilmember Morgan offered an approving resolution for the Consent agenda.

DIRECTION: APPROVED CONSENT

AUDIENCE COMMUNICATION: None

*The start time of the Study Meeting may be delayed if the 7:00 PM Regular Meeting has not yet adjourned.

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For the Regular Meeting of May 22, 2023

SUSAN M. NASH, CITY CLERK