

**CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD JANUARY 6, 2021**

Meeting was called to order via Zoom remote technology at 8:00 p.m. by President Kathleen McIntyre. Present: Cathy White (Lehigh Acres, Florida), Brandon McCullough (Livonia, Michigan), Rob Donovic (Deployed), Jim Jolly (Livonia, Michigan); Laura Toy (Livonia, Michigan) and President Kathleen McIntyre (Livonia, Michigan). Absent: Scott Bahr.

Councilmember White led the meeting in the Pledge of Allegiance.

Elected and appointed officials present: Mark Taormina, Director of Planning and Economic Development; Todd Zilincik, City Engineer; Paul Bernier, City Attorney; Susan Nash, City Clerk; Denise Maier, Director of Human Resources; Linda Gosselin, City Assessor; Ted Davis, Superintendent of Parks and Recreation; and Casey O'Neil, Director of Information Systems.

- 1) REQUEST FOR CONSIDERATION OF PROPOSED ORDINANCE AMENDMENT: Steve Johnson, re: to require all animals be held on a leash when off the owner's property with exceptions at the City dog park, within a confined area, or a Police K-9 Unit.

Steve Johnson presented this request to Council. He stated he represents a group of residents that are concerned about the growing number of loose dogs that are around our home. Although we recognize the need for people to exercise their dogs, because of the unpredictable nature of animals and the risks that loose dogs pose, the public's safety is being put in jeopardy. The large vacant piece of land that we live next to has become a nightmare for individuals and groups who bring their dogs to run loose there. We feel our safety is being compromised daily with dogs running on to our property and often out of sight of their owner. Because the land is private property, the current leash ordinance does not apply there. Professionals we have consulted agree that reasonable control outside of a confined area is only gained when an animal is held by a leash. As I have shared with you by email, other nearby cities do indeed define reasonable control as animals being held by a leash when outside of a confined area. Livonia has a sensible solution to those who want to run their dogs off leash. There's a Livonia Dog Park inside the Bicentennial Park. There is also the Wayne County Dog Park near Farmington Road on Hines Drive. In these locations dogs are allowed to run loose in a controlled environment and are required to be licensed as well as up to date on their shots. We are requesting that Council amend the current ordinance and require animals be leashed when off their owner's property unless in a dog park, confined in a fenced area, in a vehicle, or if it is part of a K-9 unit. We want to thank Councilmember McCullough and Councilmember Donovic for their support in our effort for this change and the entire Council for considering this important public safety matter. Thank you.

President McIntyre opened the floor for questions from Council.

Councilmember White stated she has a question for Mr. Johnson. Seeing that the major problem here has been the dogs running loose on school property, have you approached the Board of Education of the Livonia Public Schools about the issue and if so, what has been their response. I have seen some of the emails, I know you have corresponded with them, but has this matter been formally brought to them.

Johnson replied they have contacted the schools; their position is that they cannot regulated the area properly. This area is not only the Livonia Public Schools, but also a private property of a church which is an unfenced area. So we've made appeals to both the schools and the private property owner and have not gotten any response whatsoever. They don't seem to be interested in enforcing the current rules. We were told in conversation with the Animal Control Officer, if they would make a complaint, then they could enforce it but they don't seem to be interested in having any type of enforcement on the property.

Councilmember White asked Johnson if these discussions were at a Board meeting and Johnson replied yes, it has. He stated he's had comments made to the Board at one of their Zoom meetings and we've called there and spoke to their representative, Mr. Francis, and have written letters to them and emails, we've shared videos with them as we've shared with the Council of loose dogs running in the area. So, they're well aware of the situation and they're just choosing not to address the matter.

Councilmember White stated because of her long tenure with the City and I think Councilmember Toy can comment on this as well, but this has come up in the past over the years with the City Council. It does tend to open a door where you get some very lively discussion on both sides that's very strong, in the past anyway, there's always been a very strong contingent of folks that want to be able to take their dog places not on a leash because they feel their dogs do obey the commands of the owner. There is also an equally ardent group of folks usually that have the same opinion that you do, Mr. Johnson, that a leash law would promote public safety and is a good thing for a community. So, I just want to remind everybody that this does tend to bring out a lot of folks on both sides in the past because of the great difference of opinion on either side. The Council has not gone forward with the planning of a leash law, so I'm openminded on this, I'm willing to hear from anybody who has an opinion on it, but I just kind of want to caution everybody that that tends to be the history.

Johnson asked if he could respond and President McIntyre replied that Councilmember Jolly would like to speak first.

Councilmember Jolly stated that they had addressed not specifically the dog issue on this property, I think Council had addressed remote control airplanes at the behest of Mr. Johnson if my memory serves me correctly. When we went to the

Law Department to get advice and counseling in regard to what we could or could not do in the past regarding this, there seems to be a lack of understanding of what we can control and what we cannot control on school property. Because the schools do have their own elected bodies, they are entitled to make their own rules, their own regulations as to their property. There's also limitations on what we can do in terms of enforcement of some things on private property. Mr. Bernier, can you kind of shed some light as to what your opinion is on the matter. And I'll tell you I'm confused about it because I know and I'm sure Councilmember White would say the same thing. We've all spent a lot of time in District Court and we've all seen prosecutions of City Ordinances on school property and elsewhere. One in particular comes to mind of throwing a missile, a kid was throwing a rock and it's against school ordinance, City Ordinance, and he was prosecuted for it. There's other things that happened as well. And the schools also do post on a lot of their properties big signs that say, "Playing golf or doing this or that is against City Ordinance and people who do so will be prosecuted." So, anyways, I'm just wondering even if we wanted to go down this road, what effect and what ability do we have to do it?

City Attorney Bernier replied there were a lot of questions asked in that one question, I'll try to answer as many as I can remember. The first one is the school property is, as far as the City of Livonia is concerned, it is treated like private property because like private property because the Livonia Public Schools is a completely separate legal entity than the City of Livonia. We don't have a lot of jurisdiction over a lot of things that happen on the school property, for a lot of things we do. For instance, if a crime takes place on the school property, we certainly can enforce our criminal laws that take place on there. A lot of the things that we don't have any jurisdiction over are the zoning type issues when it comes to the property. Now should the school enforce a no dog on their property, we could probably enforce that but they don't do it. They don't have a rule, they don't have it posted, there's nothing telling anybody if you have your dog off leash it's a trespass. There's nothing to say that is a violation of their rules. So until they come to us saying we have asked them to leave our property and they won't do it, it's not a trespass. So there's nothing we can enforce on that. We don't enforce School Board rules, we enforce the criminal law as such. So if there is a violation of a criminal law such that you're asked to leave the property and they won't leave the property, then it becomes a trespass and we could enforce that. To date nobody has told us, nobody has gone to the owner or posted and saying, "It's trespassing to be on there with your dog off leash". I guess the next question is could we have a leash law. Absolutely we could have a leash law that's on the City but that's a political decision as Councilmember White brought up that I'm unequipped to discuss. That's a decision for a Council and people smarter than me to decide. We just enforce it.

Councilmember Jolly stated he has one follow-up to ask Mr. Bernier. So, you're saying if we were to enact a leash law and a Police Officer or an Animal Control

Officer employed by the City of Livonia, could enforce such an ordinance on school property without a complaint of the property owner?

Bernier stated he would want to do some investigation on the law and I could probably give you an answer on that. However, if we do do that, you're also saying that I can't take my dog to your house. It's a difficult question. Because we can't just have an ordinance that says if you're at Mr. Johnson's house on the school property, it has to be on a leash, but then at Mr. Jolly's house it can be off leash. Either we have a leash law in Livonia or we don't have a leash law in Livonia.

Jolly said and these are the exact things that we would have to find out answers to if we wanted to proceed with this, that's my input.

Bernier stated like I said, to date we haven't had – this is not as we know as Councilmember White said, is not a new issue to Council or to the Law Department. To date I have never had any Livonia Public Schools call us up and ask that we enforce either a leash law or kick anybody off their property for having a dog off leash on their property.

Johnson stated the first issue about the school property and it is declared private property, I've given you numerous examples of other cities and I would ask you and I will send the email again, that covers school property as well as off of the owner's property. So if I brought my dog over to your house, as long as my dog was confined, in a confined area, in a fenced area, then we would be fine. So, realistically you're not going to take your dog over to a friend's house and then just let it off leash and run loose. The other issue like Councilmember White brought up about this issue has been raised before, the difference now, and I talked to the Animal Control Officer, and she was part of the group that wanted to get the more stringent laws enacted. The difference now is after December of 2017, we have a Livonia Dog Park where people can run their dogs off leash if they wish to and it's in a confined area. I would think that the wisdom of the Council at the time, some of you were in the decision making process for it, was public safety was probably towards the top of the list, if not the top of the list. So what's happening here, we have people coming from other cities bringing their dog onto this property and it isn't just a few dogs, this is we counted forty dogs last summer in just a six-hour period. So what has this become is an unlicensed, and unregulated and an unsafe dog park. Like I say, the property is split, the church owns half of it, the schools own half of it, so we're not restricting the church, if the church owner wanted to run his dog out there that would be fine. But for the church to just allow people to just come by the carload with animals and individuals and groups of dogs and let dogs run, they don't have a fenced area. A lot of the houses over here don't have yards, so this is why we've had close calls. I've shared with the Council a video of a Husky that was loose in the woods, we never even saw the owner of the dog, but the dog almost intersected with two young boys, and that was only a six-minute video. If we would have called Animal Control, they wouldn't have even gotten out there by that time. If the boys had been – thankfully, they

got away, but one of the boys fell in the creek trying to escape from the dog. So, it's a daily problem, if it was not a growing problem, we would not have brought it to the attention of the Council. And I might add that over a year ago I contacted all of the Council members and invited them out to the property. I know Councilman McCullough was there, I know Councilman Donovic visited the property, I'm sorry if others had visited that I didn't know of. And they recognized the problem and both have indicated they would be advocates for a change.

Councilmember Toy stated she wanted to comment on Councilmember White's good memory. And thank you, Mr. Johnson. This has come up time and time again and with two new council members on, Mr. McCullough and Mr. Donovic, now looking into the issue, perhaps something can be done in regard to some of regardless of what's going on with the property. I get the legal stuff but I also get that there is an issue out there and it's still there after all these years and it's unfortunate, but you know maybe our two new guys have some good solutions to it possibly. I know Mr. McCullough's worked real hard as well on that so you know I'd be an advocate to take a closer look, Madam Chair, at it.

Councilmember McCullough stated he has visited the property. I feel that as a dog lover, but I always have my two crazy pups on a leash every time we go out. I do see that there is a need, I don't like the fact that there are dogs that can roam. I have tried to bridge the gap a little bit with the schools, I think that is a great opportunity there. I think there is a disconnect between this matter and the schools, I think it's something that could be easy for them to adopt this and especially having a child that sometimes visits playgrounds, having dogs jump around. Obviously, that's not a decision we can make but something like this, I've kind of done some research on different ordinances that are around in neighboring communities. There are neighboring communities that do have a variant of a leash law that seems to be working where it kind of leaves more open space rather than a fenced yard. I'm going to say that I don't have all the answers here now because there's a lot of legalities that go into this, and for that I'd like to offer a motion to move this to the Law and Education Committee, if I may.

Councilmember Donovic stated he thinks that's a great recommendation from Councilmember McCullough, and investigate it and look deeper into it and listening to members of Council that were present when this topic was brought up, let's look into this and figure out some way to control unleashed animals on their property and that's apparently from my understanding not happening so I feel like it is up to us to look into issues that are affecting residents of our city and I've been to the property during the summertime, beautiful day outside, there's tons of dogs that I saw on the particular day that I was there that were not on a leash. And I have two dogs, I'm a big dog guy, I love my dogs, but at the end of the day there's got to be some control when you have multiple dogs running around in an area that is not confined, that has no control. Luckily, we have a beautiful dog park right down the street that my dogs can enjoy, it's a beautiful park and I recommend that they can take their dogs there, a lot of fun, you meet a lot of great Livonia

residents. But I'm not here to tell people what they can or cannot do with their own dogs, that's not my intention but my perspective, when you're on public property, you are affecting the lives of residents next door and other people that are just bringing their children to the park to enjoy the playground or a nice day outside.

President McIntyre opened the floor for questions and comment from the audience.

Wendy Stone stated she lives in Nottingham Woods Subdivision, and they are adjacent to a public school but that's not really my issue. My address is 31925 Balmoral Court. My issue is with a neighbor who never controls his animal ever. And last night this dog attacked our family. We were walking down the street. This dog came from behind the house, we were nowhere near it and charged our family and it was very scary. And this homeowner didn't even care. So this morning I had to call Animal Control because we're afraid to come out of our house because this person doesn't control his animal. He never walks the dog on a leash, the dog is in everybody's yard, poops everywhere. He takes it on the school grounds, let's the dog run loose, when he yells for the dog, the dog never comes. Yesterday he sauntered from behind his house and was casually calling his dog and his dog was about ready to attack us and bit us and we were in the street. So, yes, I think we need a leash law. Our subdivision doesn't have a lot of fenced yards. All of our properties are over a half-acre and most of us don't have fences. We do because we have a pool and that's an ordinance. So these people who have a dog should have some sort of fence or have an invisible fence or if they're outside this dog has to be on a leash. It was horrible.

President McIntyre thanked Ms. Stone for sharing her experience.

Councilmember Jolly asked Bernier that the woman who just spoke just described a situation that to me is already covered under our ordinances "Animals at large" and could be prosecuted. And connecting those dots, if these other dogs are causing problems or disruptions to Mr. Johnson or his property or his neighbor's property, I would think that those same dogs and their owners could be prosecuted under an "Animal at large" ordinance that we do have. If the only hold-up is the Livonia Public Schools for Mr. Johnson's situation here, that they're just not interested in making a ruling against it, they're saying we can't do this.

Bernier replied there are two different reasons when I heard Mrs. Stone talking. One is the dog, and I have no doubt that what she's saying is true, if this dog is attacking people, that's at least a potentially vicious dog and/or a vicious dog. So that is covered no matter where that takes place. If that takes place on school property, your property, my property, or on the City streets. If you have a potentially dangerous animal, that is a violation of our ordinance no matter where that takes place. A dog at large is the bigger problem because that's on private property. And our ordinance talks about a dog being under reasonable control, that of course is always subject to interpretation, too, what is reasonable control.

Because there are people who can control their dogs off leash, a lot of people who can't. I completely agree with that sentiment. But the dog off leash, the animal off leash, that is more of a problem, that is the one that's a problem with the school, not the vicious animal. So if we have an animal that's attacking or menacing, we can still prosecute no matter where it is for the potentially or the vicious animal. Off leash is the problem.

Councilmember Toy recalled an incident when Don Knapp was the City Attorney where a woman came in, she had a little dog, I believe it was a Yorkie, she walked it on a leash and a certain breed of dog came up and killed the dog right in front of her. And so that's when we got into what I think Mr. Bernier's saying, that vicious animal situation as well. And we actually created a Maddie Law because the dog's name was Maddie. And I remember that because it was such a standout meeting, Councilmember White may remember it as well, but there is precedence on some of that field and we do have that ordinance already. So, hopefully Mrs. Stone was well advised of what to do in her situation in regard to that. So, I just wanted to interject that, try to give you a little history there.

Councilmember White stated she would like to comment on Mrs. Stone's situation. I've had that experience twice, once walking our dog and a dog rushed out of somebody's property, the gates had been left open, and there was a concern that either I or my dog was going to be bitten by the dog, it was very aggressive. That fortunately did not happen. But another situation where my daughter was walking our very large 90-pound Mastiff in a City Park, and again, a dog from a property that adjoined the park ran out, again, the gate had been left open or somehow the dog had gotten out of the owner's property to the chagrin of the owner and started, this was a little tiny dog attacking our big Mastiff and the only way to get the dog away from our large dog was my daughter's boyfriend had to kick the little dog with his boot in order to get that dog away. And the owner who did finally come out with, was just as I said, was just chagrined that this had happened. So I am sympathetic to both circumstances but I also don't want us to get in a situation where we're lumping every kind of situation together because I do think there are dog owners who have very good control of their dogs when they're not on leash. So again, I'm openminded, I haven't really reached a conclusion in my own mind one way or the other and I do appreciate this dialogue and I do want to hear what residents have to say before voting on this.

Julie Backus, 30630 Jeanine, stated she also lives adjacent to the property that Mr. Johnson spoke about and I've been here two years and over the two years I have witnessed an ever increasing number of loose dogs on the property. And I have a dog myself and young children and have found myself unfortunately avoiding the property in many cases for fear of a run-in for the dogs that are running loose. When I have been on the property, my dogs have been on leash and they've been approached by every dog and my children have been approached by dogs off leash also. Thankfully, we've never had a very bad circumstance come up but I don't ever want to have that happen. And I want to

also say that I appreciate that LPS and the church let people use the property because it's a great big open field that could be used for lots of activities and it's so nice that they have it open for everybody but I think to have residents' freedom infringed upon by people who feel that they can use it how they feel and putting public safety at risk potentially is not acceptable to me. And I also have done my own research about the communities surrounding us to have similar things in place and I think it really comes down to the wording of reasonable control and that it needs to be better defined. It's up to interpretation certainly and not everyone will define it the same way and use it the same way for their own animals. So I would really urge the Council to adopt better language to define that, to put the safety of everyone at the forefront. That's all I have to say, thank you.

President McIntyre thanked Ms. Backus for her comments.

She then stated before she goes back to Council that she would like to ask a question and that is and maybe I don't know if it should go to Mr. Bernier or really to my colleagues. We have an existing law about having dogs under control, that's not complied with, and when it's not complied with the problem is by the time the noncompliance and the threat happens, it's gone, it's evaporated and so enforcement is very difficult. We have leash laws in all of our nature preserves and all of our nature trails. And I'm on many of those trails frequently with my dog who is always on a leash and I cannot tell you how many dogs we encounter most times we are on the trails who are not on leashes. Now, some of those dogs are well behaved and fine. There have been a number of occasions where we come around the bend and all of a sudden there's a dog charging at you and the owner's trying to get it under control. We've also encountered dogs who are on leashes that the owner had no business having them out even on leashes because they were barely controllable. In those situations, by the time again by the time it happens, it's over. And obviously if somebody's hurt or a dog is attacked, at that point it's way, way too late. But how does a leash law get us to compliance or the ability to enforce. And I don't mean that as a rhetorical question, I really mean that as a point of consideration as we look at the complexity and difficulty of this issue.

DIRECTION: REFER TO THE LAW AND EDUCATION COMMITTEE CONSENT

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Councilmember White led the meeting in the Pledge of Allegiance.

Elected and appointed officials present: Mark Taormina, Director of Planning and Economic Development; Todd Zilincik, City Engineer; Paul Bernier, City Attorney; Susan Nash, City Clerk; Denise Maier, Director of Human Resources; Linda Gosselin, City Assessor; Ted Davis, Superintendent of Parks and Recreation; and Casey O'Neil, Director of Information Systems.

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- 2) TAX RATE REQUEST FOR THE WAYNE COUNTY ART INSTITUTE AUTHORITY FOR THE YEAR 2020: Office of the City Clerk, re: to set the rate of tax to be levied and requesting that it be collected as a winter tax.

Councilmember Jolly offered an approving for Consent. This is an approving for Consent. This is a pro forma function of the City Council to take tax requests as the City processes them. And that same applies for the next two items as well.

DIRECTION:

RECEIVE & FILE

CONSENT

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- 3) TAX RATE REQUEST FOR THE WAYNE COUNTY ZOOLOGICAL AUTHORITY FOR THE YEAR 2020: Office of the City Clerk, re: to set the rate of tax to be levied and requesting that it be collected as a winter tax.

Councilmember Jolly offered the same approving for the Consent Agenda. It is not a City issue but a pro forma out of courtesy.

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- 4) TAX RATE REQUEST FOR THE HURON CLINTON METROPOLITAN AUTHORITY FOR THE YEAR 2020: Office of the City Clerk, re: to set the rate of tax to be levied and requesting that it be collected as a winter tax.

Councilmember Jolly offered the same approving for the Consent Agenda.

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- 5) REQUEST TO APPROVE SALARY AND FRINGE BENEFIT ADJUSTMENTS FOR THE CLASSIFICATION OF FIRE CHIEF AND DEPUTY CHIEF: Civil Service Division, re: for the period of December 1, 2018 through November 30, 2021.

Denise Maier, Director of Human Resources, presented this request to Council. She stated back in October the Civil Service Commission and City Council approved the three-year Collective Bargaining Agreement for our Livonia Firefighters Union covering the period of December 1, 2018 through November 30, 2021. And it is historically for salary and benefit adjustments negotiated between the City and the Firefighters Union are extended to the Fire Chief and the Deputy Fire Chief as well. In November, the Civil Service Commission approved and recommended submission to Council the updated salary schedule and associated benefit changes for these two classifications. So I am reporting this evening so you can approve all four of the related benefit changes and similar salary schedule for the Deputy Fire Chief and the Fire Chief.

Councilmember Jolly offered an approving resolution for the Consent Agenda. This has been the past practice of the City, there's no reason to deviate at the time.

DIRECTION:

APPROVING

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- 6) REQUEST TO APPROVE LOCATION AND SCHEDULE OF DATES AND TIMES FOR THE 2021 BOARD OF REVIEW MEETINGS, AS WELL AS COMPENSATION RATES FOR MEMBERS: Department of Assessment, re: per the requirements of State of Michigan Statute MCL 211.30.

Linda Gosselin, City Assessor, presented this request to Council. She stated this is an annual request that comes before you each year to approve the dates and times of our Board of Review as well as the compensation for our Board members. The Board will meet five days and one evening this year valuation as well as hardship appeals.

Councilmember White stated this is really a housekeeping item and offered an approving resolution for the Consent Agenda.

Councilmember Toy commented that it is nice to see Ms. Gosselin at our Council meeting, she does such an excellent job in the Assessor's Office. I had the privilege of working with her for many years, very professional and good people and kudos so much for all you do.

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- 7) REQUEST TO APPROVE PURCHASE OF MAC GYM FLOORING THROUGH THE SOURCEWELL PURCHASING PROGRAM: Department of Parks and Recreation, re: to replace the existing MAC flooring, from budgeted funds.

Ted Davis, Superintendent of Parks and Recreation, presented this request to Council. He stated they are asking Council to approve MAC gym flooring project. The flooring we currently have in there is original with the facility. It's fine for some purposes but for any ball sports, basketball, in particular pickleball, it is defective and it has dead spots in the floor. We are looking to replace that with a Robbins Bio-cushion Classic, which is a 6 millimeter floor. It's very similar, actually it's the same type of flooring that's currently in the Schoolcraft College volleyball facility, if you've seen that, that's pretty nice. This would allow us to continue our multi-sport activities and we'll be providing a better surface for basketball and pickleball players. We are looking to use Sourcewell Purchasing Program which does meet our purchasing ordinance and we're asking that Council approve a contract in the amount of \$116,589.50 with Foster Specialty Flooring.

Councilmember McCullough stated this is an incredible enhancement and asked Davis if this is going to be striped the same way that it is currently existing and Davis replied he believes it will be striped for the most part, but he doesn't think they're adding volleyball court lines in it, so there will be a few less lines than what are currently in the floor.

McCullough stated he is an avid ball hockey player, he's on this rink usually two times a week and I'm super in support of this upgrade so I would offer an approving for the Consent Agenda.

Councilmember Toy stated this is a great idea but I do have a question and I don't have my notes in front of me, is Foster a local company, if you will, where are they out of and Davis replied they are out of Wixom. They are the local distributor and installer for this type of flooring.

Councilmember Donovic asked Davis how long does he expect to use this floor, is it ten years, fifteen years, five years, what do you estimate?

Davis stated there is a 10-year warranty on this floor. We looked at facilities that had this floor for 15-plus years without issues, so I would expect it could last as long as our current floor has lasted which that might be up for a little debate but I would say fifteen years would be our goal on this. And again, it's a large area, that's why it's a large dollar figure but you're talking about 10,000 square feet of flooring so it is significant.

DIRECTION:

APPROVING

CONSENT

**CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD JANUARY 6, 2021**

Meeting was called to order via Zoom remote technology at 8:00 p.m. by President Kathleen McIntyre. Present: Cathy White (Lehigh Acres, Florida), Brandon McCullough (Livonia, Michigan), Rob Donovic (Deployed), Jim Jolly (Livonia, Michigan); Laura Toy (Livonia, Michigan) and President Kathleen McIntyre (Livonia, Michigan). Absent: Scott Bahr.

Councilmember White led the meeting in the Pledge of Allegiance.

Elected and appointed officials present: Mark Taormina, Director of Planning and Economic Development; Todd Zilincik, City Engineer; Paul Bernier, City Attorney; Susan Nash, City Clerk; Denise Maier, Director of Human Resources; Linda Gosselin, City Assessor; Ted Davis, Superintendent of Parks and Recreation; and Casey O'Neil, Director of Information Systems.

- 8) REQUEST TO AUTHORIZE PURCHASE OF A DELL POWERSTORE 1000T SAN: Information Systems Department, re: to increase storage capacity, from budgeted funds.

Casey O'Neil, Director of Information Systems, presented this request to Council. He stated this is a proposal for a Dell Powerstore storage area network that will replace our current storage for the City's virtual environment. Our current storage holds 30 separate virtual servers for the City and its nearing full capacity. The new system will give us 30% growth and giving us 44 terabytes of usable space with the ability to expand further as needed. Dell is giving us State contract pricing in the amount of \$71,038.93 and that includes a five-year warranty as well as installation and support.

President McIntyre stated she does have a question and it's a general question. When we moved to the Cloud as we've done, right, our need for storage capacity, physical storage capacity diminishes, is that correct?

O'Neil replied to an extend but we're growing digitally at a faster rate, I'd say, so we still have some things on site and some of the things on site are actually in the Cloud, so it's kind of a mixture of all of those technologies.

President McIntyre stated that was just a general question because sometimes it's a point of confusion but we'll approve expenditures, significant expenditures to move to the Cloud and everyone understands why that's done and why that's needed. But at the same time we'll be needing additional storage, physical storage space and I think you just answered the question.

O'Neil replied that the Cloud is just someone else's computer.

Councilmember Jolly offered an approving resolution for the Consent Agenda.

DIRECTION:

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- 9) REQUEST TO AUTHORIZE PURCHASE OF A DELL DATA DOMAIN DD6900: Information Systems Department; re: to increase backup storage system capacity, from budgeted funds.

Casey O'Neil, Director of Information Systems, presented this request to Council. He stated this item correlates with the previous item in that it is a storage platform, a back-up platform that will give us 60 terabytes of storage and this system has industry leading compression and deduplication technology which will allow us to safely secure our backup data as it continues to grow. Dell has provided us State pricing in the amount of \$108,675.12 as well as providing a 5-year warranty and installation.

Councilmember Toy offered an approving resolution for the Consent Agenda and commended O'Neil on the work he's doing as Director of Information Systems.

DIRECTION:	APPROVING	CONSENT
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- 10) REQUEST TO APPROVE THE ESTABLISHMENT OF IMPROVEMENT BONDS: Engineering Division, re: to assure the installation of public improvements at Livonia Manor III Site Condominium, located on the north side of Seven Mile Road, between Canterbury Avenue and Shrewsbury Drive in the Southeast 1/4 of Section 3. (CR 272-20)

Todd Zilincik, City Engineer, presented this request to Council. He stated this is just a housekeeping issue when they do a new development for condos we want to make sure we take the bonds in case something happens; the developer walks away. Obviously, there's only four homes here and this is an effort to connect two dead-ends and have a connection point, obviously to help out the water quality with the dead-end water mains there. We are appreciative of the development to help again have a continuous loop along Shrewsbury and Canterbury and a portion of area where the four houses will be placed. Looking for Council's approval so we can collect the bonds from the developer and protect the City in case something does happen which we don't anticipate it but you never know.

Councilmember White offered an approving resolution for the Consent Agenda.

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- 11) VACATING REQUEST: Engineering Division, re: to vacate a public utility easement within the 18th St. Development, located at 39000 Seven Mile Road. Parcel I.D. No. 46-023-99-0001-004.

Todd Zilincik, City Engineer, presented this request to Council. He stated the old A-123 Building at Seven Mile and 275 was demolished and Beaumont Hospital is placing a hospital there and we wanted to make sure that we vacate the water main easement that was running through the property so they can relocate it properly. We're looking for your assistance to send it the Planning Commission so it can route through the process, it usually takes two to three months and should be again a housekeeping issue to make sure that we can vacate that proposed water main public easement that's going through the proposed building and reroute that. As you all know the steel is up there for the building and going quite nicely so we appreciate the efforts in there and they're looking to start utilities here shortly. So another nice development in the City of Livonia, I know it took some time but appreciate Beaumont's patience and looking forward to working with them on completing this project.

Councilmember Toy offered an approving resolution for the Consent Agenda.

DIRECTION:

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- 12) WAIVER PETITION: Planning Commission, re: Petition 2020-11-02-10 submitted by LS Equity L.L.C. requesting to re-develop the commercial shopping center (Shoppes of Livonia), including demolishing a portion of the existing building, constructing a full-service restaurant with drive-thru facilities (Chick-fil-A), constructing an addition and renovating the exterior façade of the existing building, and constructing a multi-tenant retail building with drive-thru facilities, located on the north side of Plymouth Road between Haller Avenue and Middlebelt Road (29250-29350 Plymouth Road) in the Southwest $\frac{1}{4}$ of Section 25.

Mark Taormina, Director of Planning and Economic Development, presented this request to Council. He stated this project involves the redevelopment of the shopping center located at the Northeast corner of Plymouth and Middlebelt Roads. The site in question has been highlighted on this aerial. It's about $7\frac{3}{4}$ acres in size, it has 480 feet of frontage on Middlebelt and 485 feet of frontage on Plymouth Road. The existing building on the property is about 85,000 square feet and the primary tenant today is Office Depot/Office Max. The site is zoned C-2, General Business. Located closer to the intersection of Middlebelt and Plymouth is a vacant commercial building that was built in 2003 as a Walgreen's Pharmacy and then lying immediately to the east is the Firestone Complete Auto Care Center. There are cross access agreements that exist between these three properties. The site will be developed in three phases. Phase I involves demolishing portions of the existing building and constructing a new Chick-fil-A Restaurant. Phase II will be the construction of a new multi-tenant retail building adjacent to Plymouth Road in an area that's currently used for off-street parking. And then Phase III involves enlarging the existing building along with façade and other parking lot improvements. Space for the Chick-fil-A will be made possible by removing about 27,000 square feet at the west end of the existing shopping center building. The new restaurant as you can see here would have drive-up

facilities that will be located in the northwest corner of the property. It would contain 124 interior seats plus 24 outdoor seats for a combined total of 148 customer seats. The building will be one-story in height with an overall floor area of about 5,000 square feet. The outdoor seating as shown on the south side or the front of the building which faces Plymouth Road. The drive-thru includes two lanes of traffic that would commence in the southeast corner and then loop around the back of the building so the pick-up window is on the west side. There's a menu in the ordering area showing in the northeast corner just before the turn at the back of the building. The inside and outside lanes would each have a capacity to handle about 19 and 21 vehicles, respectively. There are overhead canopies shown at two locations along the drive-thru. One is at the menu and ordering area, that's the one shown here, and then the other would be at the pick-up window. Going back to the overall site plan, five existing driveways provide access to the site and all five would remain to serve the new development. Two of the approaches are on Middlebelt Road and two are on Plymouth Road, with two located on the former Walgreen's property, one on Middlebelt and one on Plymouth, both provide access to the shopping center via the cross access agreement. Each major thoroughfare has a primary driveway to the site. The one on Middlebelt is near the center of the site's frontage just of the Chick-fil-A Restaurant as shown here. And then the other approach on Plymouth Road is along the east side of the property adjacent to the new retail building. None of these five existing approaches are signalized. The exterior of the Chick-fil-A Restaurant will contain primarily brick and as you can see from the colored renderings, the canopy is shown above the windows in the entrance areas. The height of the building is shown at about 20 feet 4.5 inches. Moving on to Phase II, again, that involves construction of a second multi-retail building that is identified on the plans as Retail I. This new building will be located at the south end of the parking lot adjacent to Plymouth Road, it's between the Firestone and Walgreen's buildings. This building, too, will be one-story in height with a gross floor area of just under 9,000 square feet. As you can see access will be provided via connections with the shopping center's existing driveways and parking aisles. The exterior of the building would consist of different shades of brick and the height of the building here will be about 19 feet to a total of 25 feet 9 inches. The west endcap or the westerly unit is shown as a future restaurant with drive-up facilities. The site plan shows a single drive-thru lane along the north and west side that would have the capacity to accommodate nine vehicles and there is not a tenant identified for that restaurant at this time. Next is Phase III which involves a 5,400 square foot addition in the northeast corner of the existing building and with this expansion the building would contain a gross floor area of about 63,000 square feet. Additionally the entire store front elevation would be renovated. The architecture and materials are intended to complement the design of Retail Building #1. The exterior finish would contain brick and as you can see there are new parapet wall sections that would vary in height and then project above them, the roof line. Parking is based on the total amount of retail space on the site. Per ordinance, this new development would require a total of 413 parking spaces. The site plan shows a total of 397 spaces; this results in a deficiency of 16 parking

spaces which is the equivalent of about 3.8% of the total number of required spaces and will require the approval of the Zoning Board of Appeals. Detailed landscape plans have been included, showing new plant material throughout the site, including around the buildings and within the parking lot islands. New dumpster enclosures are shown behind each of the buildings with 8-foot high enclosure walls constructed out of brick. The plans also show new parking lot lighting. Storm water management underground detention systems will be constructed in the parking lots and at this time we don't have information regarding signage. A detailed traffic study was conducted by the Petitioner's consultant, Rowe Professional Services Company, and the findings of the report recommend several changes that are intended to improve the lanes and key lanes experienced by motorists primarily on southbound Middlebelt. And the consultant is here this evening and can provide additional information regarding their findings. The Planning Commission is recommending approval, they have several recommendations and among them are a requirement to modify the landscape plans to include new plantings along Middlebelt Road. Six weeks prior to the opening of the Chick-fil-A the developer must submit to the Traffic Bureau a plan for managing both on site and off site traffic during the so-called honeymoon period. All traffic improvements as deemed necessary by both Wayne County and MDOT must be completed prior to the issuance of any Certificates of Occupancy. And then separate waiver use approval is required for any drive-up restaurant located in the smaller retail building adjacent to Plymouth Road. And with that, Madam President, I'll be happy to answer any questions you may have, thank you.

President McIntyre opened the floor to Council for comments or questions.

Councilmember Donovic asked Taormina for clarification on the cross access agreements, if those are still in place even with the new ownership and the new potential development and Taormina replied that is his understanding and the developer can confirm that for you this evening.

Donovic asked if there is an update on whether there is going to be a tenant at the old Walgreen's and Taormina replied yes, they are working with a perspective tenant, it would be a medical use and at this point I can't really divulge the details of that but that is moving forward so it does appear we'll have that building occupied in the not too distant future.

Donovic then said in a prior discussion there was talk about updating the signal at the intersection; has there been any update there about updating that signal at Middlebelt and Plymouth Road.

Taormina replied that he is going to let Mr. Labadie speak more directly to that. I was made aware today that documents have been submitted to MDOT for review, they do have those on file and they're beginning that process but no decisions have been made, no permits issued, and nothing like that at this point. They're still reviewing the findings of the TIS or the Traffic Impact Study.

Donovic stated he is very much in favor for this project, he lives right down the street. This is an area that needs help, it's been vacant for many years now, so to a large company like Chick-fil-A that is very well nationally known to choose Livonia to come here, they're very detailed plans, I'm very excited about this property. We're taking a very old, dilapidated building and bringing it back to life. So I want this move forward, my only concern really is of course traffic and that is just something that comes with nature. But at the same time we're bringing this corner back to life and it's just one of the things that we're going to deal with. But that doesn't mean that we can't take the proper precautions to make sure that we can make traffic a little bit more bearable in that area. With that being said, I know looking at the plans it still shows turning left onto Middlebelt, I do not see how that will work. I use Middlebelt Road every single day and you are not going to be able to turn left out of this parking lot onto Middlebelt Road to go south on Middlebelt, it's just not going to happen. That middle lane extends down past the factory on Middlebelt Road in the middle of rush hour traffic, so I want to see that addressed. But I look forward to the traffic study information.

Councilmember White stated she has a question for Mr. Taormina but he does want to comment that I share Councilmember Donovic's concern about turning left to go onto Middlebelt south. With respect to the TIS, the Traffic Impact Study, other than the requirement for approval from the County, Mark, does this plan incorporate all the other recommendations from that Traffic Impact Study, do you know?

Taormina replied the detail in the plan, to the extent that the traffic analysis is imbedded in the proposal then yes. But the plans themselves don't identify the specific improvements that are recommended out of the traffic analysis. It's really the resolution of the Planning Commission that speaks to that and we would anticipate would want to carry that over. There's a number of recommendations dealing with things like the right turn phases, the signal optimization. A couple of the recommendations like widening the driveways, those are shown on the plans, but some of the other items cannot appropriately be shown on the plans. And again, they're all subject to MDOT and Wayne County review and approval, which the Planning Commission resolution references.

Councilmember McCullough said one question he did have is the Office Depot space right now, does that go away?

Taormina asked him to repeat the question.

McCullough asked if the current tenant, Office Depot, was going to be vacating their space.

Taormina replied that same question was asked by the Planning Commission and I believe the developer's response was they're there right now for the short term,

what happens in the future is unknown, let's hope that they'll stay with this redevelopment. But again, he might be able to update you on that, provide additional information.

McCullough stated just a general note, obviously that corner, I grew up probably a half mile away and would walk to the mall, and I remember buying my homecoming suit from the thrift store that used to be on that corner that's been vacant for probably 22 years. Like Office Depot is pretty much the only thing there, so obviously a development like this will impact and revitalize it. The questions that I've been receiving and even looking at myself is the traffic and I think with any kind of development, especially along the lines of a Chick-fil-A, traffic definitely comes into play. Having seen the stacking plan, even as you said the honeymoon period, I think that's why. That was one of the biggest things that I was thinking was how are you going to kind of funnel everybody through if you've got a 45-minute wait. I know the one in Novi opened up and I think it still has a half-hour wait but I think after a good month or two you kind of get that somewhat under control. And this corner obviously is one of the busier ones in our City. Looking at the Traffic Impact Study that is obviously being presented, two notes I want to address with Council right now, under point No. 9, no less than six weeks before opening the Petitioner's will submit a Traffic Control Plan to the Traffic Bureau for approval. That's in this packet. Number 10, all traffic improvements shall be completed prior to the C of O, and then I think there was probably a 200-page study of the traffic counts that were provided in the packet. So I definitely think the due diligence was there. Will there be some work that needs to be shored up after this building opens, absolutely, but as for the overall development to the City in revitalizing this corner, I think it's a home run and I'd be happy to offer an approving for the Regular Agenda.

President McIntyre said she has a few questions. She then asked Taormina to show where the points of egress and ingress are from the street or from the surrounding plaza into Chick-fil-A.

Taormina replied the primary circulation pattern, we believe, will be coming in either from Middlebelt Road or from Plymouth Road and then entering to drive-thru lanes here, so around the building to the pick-up area and then exiting the site, the most direct route obviously is the Middlebelt Road. As Councilmember Donovic indicated, the left turn movements here obviously will be very difficult during the a.m. and the peak p.m. hours. The other option would be to circle back out onto Plymouth Road using either of these two driveways. But to answer your question, it's really in this fashion right here around the Chick-fil-A.

McIntyre then asked if she is heading north or south on Middlebelt, where is it exactly where she enters, where exactly the drive is and how she gets into the Chick-fil-A drive thru?

Taormina replied if you're coming up Middlebelt Road, you'll have two options to enter the site if you're coming from the south. The first is what is referred to as the south driveway on Middlebelt, the second is referred to as the middle driveway on Middlebelt Road, either one of those will enable you to navigate to the entrance to the drive-up facility which is here in the southeast corner of the restaurant. And then you would move around as you order and obtain your items and then exist out the same way, back out the Middlebelt Road using the Middlebelt driveway or the middle driveway or maybe continue on further south either to Middlebelt Road or back to Plymouth Road. So you'll have different options for both entering and exiting the site. The most obvious one as I see this is really the two main driveways, the middle driveway here on Middlebelt Road and then the east driveway here on Plymouth Road.

McIntyre said the reason I ask is the way this is laid out as opposed to the Panera at Six and 275, there's not a pinch point here of entering the Chick-fil-A like there is at that Panera. The way that that curb cut or it's not really a curb cut, but if you're coming to the – if you're entering into the Panera, forget whether you drive-thru or whatever because it's like a separate parking lot, the way that drive is, it is impossible for one car to be coming out and come car coming in. And I just want to make sure that when we look at this, and that's why I was trying to make sure I understood this, that we don't create that same situation. I mean it's difficult at Panera during busy times and they're likely not as busy as Chick-fil-A, they're not a volume business like Chick-fil-A is.

Taormina said the Traffic Study speaks to this and that is as the vehicles queue here, as you exit the site, there will be delays and it will cause some back-up along this primary driveway. But in terms of what you referred to as that pinch point, that won't exist at least not as far as entering the drive-up facility. I'll also mention that there is a drive aisle that is immediately adjacent. So what you have here is actually three lanes. You have the two drive-up lanes and then the open drive aisle that will provide unobstructed access completely around the building for patrons who either want to park and enter and dine inside or who just want to avoid it altogether and just keep on going and exit the site, so it does provide a 360 degree bypass if you will.

McIntyre said and I think the other difference is that there aren't physical barriers between this lot or is there are no physical enclosures to separate this lot, correct, from the other business lots in this area.

Taormina replied no, everything is connected, the drive aisles and the others.

McIntyre said unlike Panera where you actually have a physical, right, you have curbs, you have barriers in the parking lot, and that's what creates the pinch point. Second question, there is no ring road or connected road where you can access a left hand turn signal returning to the Middlebelt or Plymouth Road, is that correct, and did I hear that and understand that correctly.

Taormina said none of these driveways are signalized, that's correct. The only signal is here at Middlebelt and Plymouth Road and then a little further north.

McIntyre said she loves this, but she thinks we're setting ourselves up for and let's put the honeymoon series separate. I think we're setting ourselves up for traffic catastrophe here. Because I mean I've witnessed and I'll use the Haggerty Road Target as an example and now there is a second light, but there's a light, right, there's that connected road that now goes between the new Panera and the Target driveway, there's always been a light there. And even at non busy times, right, people don't want to use the light and they go out at one of the other entrances, ingress, egress driveways to Haggerty Road to make a left hand turn because they think it's going to be faster than waiting for the light and it is, it takes a long time at that light and you know I don't know how many actual crashes happen there but I just witness time after time near misses and I really feel that we are just setting people up to make really poor decisions about trying to get out. There is times of the day when it's going to be impossible to make a left hand turn. And then my other concern is on Middlebelt Road there's a left hand turn lane, correct, where the entrance is, where the – what are we calling that, the north driveway?

Taormina said the middle driveway or the north driveway. No, there is a left turn lane that extends along Middlebelt Road across frontage here.

McIntyre asked where the dotted line is across because that's where the Ford Plant is, right, so where is the entrance to the Ford Plant because the other thing that I see as a potential problem is that that left hand turn lane to get into Chick-fil-A is going to be just backed up, right. So then what if you have the situation if you have cars going north on Middlebelt Road are they going to be trying – is that a driveway to the Ford Plant?

Taormina stated there is a driveway located here, however this is not the primary driveway. The signalized driveway is further to the north. It does not show on this aerial photograph, so there's a secondary means to access the Ford property further to the north. And as it exists today, this may back up almost to this point, so that conflict may actually exist at certain times in the day presently with this driveway that leads to the Ford Plant. There is no question, there will be times if the day when turning left out of this driveway will not be possible. Now, the consultant will tell you that with the planned improvements it's intended to improve the level of service along Middlebelt Road and provide the gap that would allow left turn movement but I suspect with the heavy use and everything, turning left out of there at certain times of the day is just going to be very difficult if not impossible.

McIntyre stated and it is the absolute opposite of defensive driving because they get frustrated and then they have horn honks behind them because the people

behind them think there was sufficient time to go and then they rely on somebody either heading northbound or southbound to stop and let them out. And then I see the same problem with the left hand turn lane on Plymouth Road, that you're going to have cars queued up heading east on Plymouth trying to get into that driveway and there you've got the left hand turn lane and you've got other driveways across. I love this location, I love the business, I love the redevelopment of this plaza, I love everything about it, but I can't feel good about this until we have a traffic solution. And just one other comment, Mark, and I don't know what our ability is to do this but during the honeymoon period, we're really going to need supplemental traffic patrols and enforcements there. Can that be the responsibility of Chick-fil-A to pay for that?

Taormina said yes, that was the reason why the plan would have to be submitted to the Traffic and Safety Bureau for their review and approval prior to opening so that all of those are put into place at the time of the store opening, to address both onsite and offsite traffic.

McIntyre then asked if Chick-fil-A will pay for whatever is needed and Taormina replied that's the intent, absolutely.

Councilmember Toy stated she has several concerns. Mark, as you come in from north, that very far drive, I think they exist right now on the old building, is there a rationale for not making that an ingress or even an egress at that point? As Council President said, this is an exciting venture, a great economic venture there as well, but I've sat at least fifty-five minutes to try the new one in Novi and it's continuing to be very busy and I applaud them for that. No offense some of my order never got part of it and there was no way to go back and retrieve what I had paid for. And furthermore, when you get frustrated as you said, I'm glad to hear there's other lanes that I could circle around, but I also want a way to escape and I don't want to have to come through Phase III, if that one center unit off of Middlebelt is so backed out with the cars coming out, I'm concerned about the traffic flow, I guess. I think it's a wonderful project. I think it was Lazy Boy, I think, that's over in Novi or some of those smaller retail stores, they're being very impacted by that. And it's not that there's an increase in sales so much, it's just the traffic flow is such that it's hard to get in and out of their retail stores. So, the site plan with the retailers where they're at, it's wonderful except the configuration on how, the frustration, with the success of the Chick-fil-A comes the traffic and that's only natural as you said. And I think they're trying to do a whole lot of things, like you put it on your phone ahead of time, whatever. But there are always a few instances, times, like I said, when they forgot half my order and I had no way of going back because it was too packed and there was just no way. And I'm talking about the Novi store and I'm sure they've done and improved a whole lot since then, don't get me wrong. But that's just an example of the concerns and that's why I wondered why there isn't another driveway in the back there, you know what I'm saying, Mark, kind of to the north there as it faces Middlebelt.

Taormina replied there are three, one here, and then there is a third one further to the north.

Toy replied, good, that's great and I'll look forward to speaking with the Petitioner as well, Madam President, when he come forward this evening.

Councilmember Donovic said when he was looking through the packet, it's pretty lengthy, is there hours of operation already established for this Chick-fil-A?

Taormina said he will leave that answer to the representative of Chick-fil-A who is attending the Zoom meeting tonight.

Donovic then stated he thinks there's a lot of transient traffic for Chick-fil-As because there's so few and it's such a popular brand, I am hoping that as these continue to pop up, from prior discussion there may be one coming to Canton, so maybe as these become more normal they may not be as busy. But I don't honestly think, I've been talking out loud, I don't think the timing of this, I think this location would be rather busy regardless. But I guess one of my biggest points of clarification I want to make or question rather to Mr. McCullough's motion, and I don't want to add anything to his motion, is there a way to reflect in the motion no turning left out of Middlebelt or is that a discussion that takes place later throughout this process?

Taormina replied that's up to Council, that you can have a resolution as provided by the Planning Commission, you could have a second resolution for consideration that would add conditions, including the one you just mentioned, so it's really up to you, how you want to position that for next week's voting meeting.

Donovic said with that being said, and correct me if I'm wrong, I don't want to confuse this, again, driving up and down Middlebelt every single day you will not be able to turn left out of that Chick-fil-A with the left hand traffic that is going southbound to turn east onto Plymouth Road. So, with that being said, unless my colleague would like to add that to his motion, that I would add a motion, and I may not be doing this correctly, this is my first time, but I'd like to add an additional motion for the next Regular Meeting, with no turning left out of two entrances on Middlebelt Road. And if I did incorrectly, Mr. Jolly, you could probably help me out here.

Councilmember Jolly replied to Donovic saying he did a very good job, well done.

Councilmember Toy asked if McCullough accepted the condition to his motion?

Councilmember Donovic then asked if McCullough accepts this condition he can amend his motion and I will rescind my motion.

Councilmember McCullough stated that can be included in his motion, he will amend his resolution.

Bernier stated the best way would be to have Resolution A, approving what the Planning Commission recommended, and Resolution B, approving and to include the extra condition of no left turn onto Middlebelt.

McIntyre stated that she is not as concerned about the left hand turn but I see that as close to just as bad.

Councilmember Donovic stated that currently you cannot turn left in the first entrance closest to Middlebelt which would be considered to the Walgreen, but I do believe you're allowed to make a left hand turn traveling eastbound into the Auto Shop right there.

President McIntyre called upon the Petitioner to speak.

Frank Jarbou, Signature Management, developers for this site, 4198 Orchard Lake Road, Suite 250, Orchard Lake, Michigan introduced his team members who were attending the Zoom meeting. He said we appreciate everything, your concerns, but I want to address a couple quick questions that Councilmember Donovic had about the cross access. You asked about having the cross access and do they remain, they do remain. They run with the property, the only way we could change that is we enter into an agreement with the adjacent parcel, which we don't plan on doing any of that, everybody likes the access the way they are and it helps everybody out. Councilmember McCullough asked a question about Office Depot, we are working with them currently to see if they are willing to stay. They have their own internal problems; they'll try to work through those as well and getting that done. You know we put a lot of time and effort into this development we've put together, I think we've assembled a very good team to give all the Council members a good background and knowledge of this was a lot phases of planning, it was a bunch of planning, getting into the weeds of traffic and traffic studies and understanding what could really happen here before we put our best foot forward with the Planning Commission. We did find some irregularities in the lights at Middlebelt and Plymouth. One was that when we talked to MDOT they said that those lights and I'll let Michael Labadie speak to this, too, he's the expert on it, but those lights and interchanges have not been adjusted since 96 was constructed, the redevelopment of it. So there are some adjustments, immediate adjustments that can be made there, that we plan on working with them to help alleviate and work through that traffic that's at that intersection. So I know it's an issue right now and with Chick-fil-A coming feeling it might become a bigger issue but I think we got ahold of how we can adjust the timing of the lights at Middlebelt and Plymouth and with even the light at the Ford entrances that are further north. During the honeymoon period, and this was talked about before as well, one thing that you're seeing in Novi right now which doesn't help us is there is no indoor dining. So 52%, I think it's 52% or 48%, dine

in at a regular Chick-fil-A, so that's going to be half of it. People get to know by sight, I remember when there was a Denny's over there, it was hard to get into the Denny's when it was a Denny's and the Denny's was only popular at 2:00 in the morning at that time. So it's a little bit difficult to get in there, they're stacking some cars in the parking lot in the back over there and they're working through that. I've been in three Chick-fil-As across the country in two different states and from what I've heard from their store sales are far exceeding Michigan store sales and they do a phenomenal job, I really have to say. They're not a typical quick service restaurant, they put a lot of effort into each individual store and as we were discussing with the Planning Commission, each individual store had a franchise owner/operator and that is his primary business. So it's not, you know, that Frank Jarbou is an electrician and tomorrow he is a Chick-fil-A operator, he's a Chick-fil-A operator from day one and he's on ground every single day and working with his team. Chick-fil-A corporate does offer to come in and help the operator and get him going through the honeymoon period and working through all of those. But I think they've done a phenomenal job, I've been in situations where, unfortunately Councilmember Toy, I'm sorry they messed up your order and you know we will make that up to you, I promise at this site. And you know, it's going to happen and it's going to happen everywhere whether it be this Chick-fil-A, other Chick-fil-As, or it's going to be other restaurants. We've done developments on Ford Road and those developments, you guys know Ford Road and how busy that is, and make a left into there. You know you could never find the perfect site, it could never be a perfect scenario, please, if you do, let me know, I would love to have that site. But it doesn't work that way. And one thing that you're going to find with Chick-fil-A and the amount of effort, the amount of time we put into this and working with us hand in hand to make sure that it has a successful opening, it's pretty big. And you know for the honeymoon period which normally lasts three to six weeks, we plan on closing that one entrance on Middlebelt and working through the traffic and having the Chick-fil-A teamwork through the traffic and just where to go, how to get in and out of the site. I can tell you I've looked at a lot of Chick-fil-A sites, this is the only 7-acre site probably ever in their portfolio where they're able to stack cars on site and work them through the drive-thru and get them in and out. I have been to the Novi one myself a couple times with my sons in the back and my wife driving and thank god she's not up here but she doesn't drive very well, so I've tested her through that and she's done very well actually and they've done very well and they've gone through the order process and we were and I said I'm not waiting in this line, but lo and behold we were in and out and did very well. So, we are here to work with the community. I want to focus just on the Chick-fil-A, I don't want to focus on the rest of the development because the rest of the development, we were chasing this property for about two, to two and a half years from the out of state owner that had it for about eight or nine years and was reluctant to sell. He left it dilapidated the way it was, didn't put any money into it. We jumped on a plane, went to New York, purchased it from him, came back and we knew that we had a gem here, we just had to polish it up. So our plan, even though it is a phasing plan, we plan on the first opportunity is Chick-fil-A, but we hopefully are working with a couple other tenants that we could put in

the big box space in the back and completely renovating that building. Now we're probably going to break it down to the steel structure, brand new façade, brand new side, front, back and brand new roof. We do have a couple different tenants that might be looking to go up front, it could be a couple tenants like we propose in that multi-tenant use there. But we're also very conscious in all of our developments, we don't necessarily—we're not going to put two Chick-fil-As on one site so when you see a restaurant drive-thru on that site that's facing Plymouth, it will be – we want it to complement the rest of the uses there. It could be a soft serve, everybody wants to drive-thru these days, it could be a Little Caesars, a Jimmy John's, something that's not going to be so heavily first of all parking intensive, second of all, to have more tremendous to the site. Plus, you know something that's easily done for the site. And that's what we do across all of our developments where we do them. So you know we hope to do this all at once, even though it does have a phasing plan, but we're talking about a brand new parking lot, brand new LED lighting in the parking lot, light poles, new landscape islands, and a complete renovation of that back building. So, we knew it was a gem when we found it and we wanted to polish it up and I hope all of you saw it the same as I do. We are here to work with you and my team is here to answer any questions or concerns you may have.

President McIntyre said that she appreciates the time and effort put into this project, Council is well aware of it and is very appreciative of anyone who comes to our City and wants to develop a site like this that very much needs redevelopment. As far as your comment about us finding you a perfect space, we all work and live in an infilled city, so we're very, very aware that perfect sites don't exist in Livonia, we have very few greenfield sites. The other thing I didn't think I heard correctly and I'm sure you maybe meant it in jest, was that your wife is not a good driver, I'm not sure what that has to do with anything and maybe it was a sincere comment but I just didn't appreciate that it didn't hit me the right way. But we're not here to talk about what hits me the right and the wrong way. And one other thing about the other restaurant you're planning, your point is very well taken, that you're not going to look for something that has the same level of intensity of use as Chick-fil-A and that to me doesn't even come into this equation because that's going to involve Mark because there will be another site plan approval. So by approving this, we're not granting approval for whatever is going to come down at the other end, correct?

Taormina replied that would require a separate application.

McIntyre stated then she's not going to even go there yet. And my concern, I know very well how Chick-fil-A operates, I know that it's an owner/operator model. I know that the reason we're all concerned about this is because it's such a high quality desirable product. And my concerns all go to the traffic. And I know you have an excellent reputation as a developer, this is a great project and I have great enthusiasm for it, it just comes down to being very, very concerned about the traffic. So, with that I'm going to go to the Council.

Councilmember McCullough asked if this is passed and it gets approved, do you have an ETA on when you'd like to be potentially open?

Jarbou replied if this does get approved, which he hopes he does, we would probably go through the engineering department and the building department getting our permits, we would hope to start construction sometime maybe late spring, early summer, and hopefully have Chick-fil-A open come later fall, maybe wintertime. And I do want to add that the Haggerty location In Northville, we're looking to open in January, and we are looking at another site in Canton, so we hope by that time that it pulls more traffic towards those other stores and as they continue to build stores around the state, that will help as well, too. And hopefully Covid has lifted at that point and we can all sit down and have a chicken sandwich together.

McCullough said he heard the Northville location was going to open in the next two weeks. The Canton location, do you foresee that location being under construction prior to this if it's approved?

Jarbou replied that is not my deal, unfortunately, we're not a part of that, but I think they're still going through their planning stages right now, I don't necessarily think that they're going to be. It could be, it depends where they're at in the process.

McCullough said the last thing, I want to thank you for including that stacking process. You did make a mention of it, that is a seven-acre, that is huge at least through the honeymoon period, at least to try to stack enough cars to get that operation going as well. Thank for including that in the packet.

Councilmember Donovic thanked Jarbou for such a very detailed and comprehensive plan, I'm really excited about it. In terms of and this may be for Justin Chick-fil-A, you mentioned the first entrance, the middle entrance, potentially blocking that off during the honeymoon phase, and maybe control traffic through the drive-thru, and I apologize if I missed that question earlier because I lost internet and had to log back in, is that something you guys are considering doing?

Jarbou replied the plan on doing that during the honeymoon period, we'll close that off and adjust traffic to exit from a different area, so there's not even a left or a right out of that immediate so it doesn't back up.

Donovic said you made a good comment, when we think about Ford, I know this is right here in the moment we're thinking about it, but a year from now maybe when this Chick-fil-A will open and I'm sure we are at a different point in the world where we can be eating inside and with other Chick-fil-As opening, hopefully that can be constructed. That's all the questions I have. Thank you, Mr. Jarbou, for your very detailed plan.

President McIntyre stated she would like to recognize Mr. Justin Mark who is I believe the traffic consultant.

Jurk said this is Justin Jurk, I'm with Chick-fil-A, address is 5200 Buffington Road in Atlanta, Georgia. Appreciate you all letting us come in and steal some time from you and your families this evening. We're excited about this project as well and I think Mr. Jarbou and team have created a great development, we're going to be excited to be part of it. I wanted to hit on a few questions that were asked as well. Mr. Donovic asked about hours of operation, this store would follow our pretty typical hours of operation which is typically 6:30 a.m. to 10:00 p.m., and that is Monday through Saturday, closed on Sundays, our founder grew up in restaurants and diners and he felt it was important to allow his staff to have a day off and rest and be thankful for what they have, so we're carrying on that tradition. And then there was another question from Councilmember McCullough about Canton, that's at the early stages and no specific timeframes right now. I will say this project is further along than that one, if that helps to get a little idea. But as Mr. Jarbou stated, we understand the traffic concerns, we get that. Fortunately, we've been blessed with a great following and a good business and I know that has to do with owner/operator model, the single unit operator model. So if you become a franchisee owner/operator, that's your one location, that's your sole source of income so you're going to do what you can to make sure the residents in the community could welcome and have a good experience and first and foremost. And Ms. Toy, I know you didn't bring this up to get any relief, but I want to personally apologize for your experience at Novi and I would like to make up for you. That's what we're known for, again, I know that's not why you brought it up, you just brought it up as an example but I want to make you whole there. But we're aware of the traffic situation and I think Councilmember Donovic had brought it up, that there's a lot of transient traffic, right, because we have only a few locations where you can obtain our product right now. Somerset Mall, which has been there for a while, and only two freestanding locations, one in Allen Park which is about 14 miles away from here, and then the one in Novi that you had referenced as well, another fourteen miles away in an opposite direction. And then, as mentioned, Northville is opening in two weeks on the 28th, so that will relieve some pressure from Novi, Twelve Oaks Mall. And then we've got Shelby Township, which is quite a bit further away, over 30 miles away, but that will also service the northeast, Detroit Metro area. So, again, I think we hit it on the nose, that the more locations we open, the more choices consumers have to obtain our product, the less traffic you'll see at all of the locations. We're certainly blessed with the response we have from everyone in the area. And Mr. Jarbou hit on it perfectly that if this is what I do on a daily basis, development and construction for Chick-fil-A, and if I had the opportunity to open a store that could span over a 7-acre parcel, my job would be a lot easier. So, I think this is a very unique situation for us here, and we appreciate the fact that there is a phasing plan, Chick-fil-A is in Phase 1 of the plan, which allows us to utilize and he has graciously offered us to utilize that parking field for queuing up traffic to go to access our store. So,

those are a few of the questions I heard that maybe weren't answered and I wanted to get those out.

Councilmember Toy thanked the Petitioners for everything, I didn't mean to bring that up except as it related to the traffic, that I couldn't get out and go back, that's the reason I brought it up, not for any other reason and it was a wonderful product, don't get me wrong. But I do have to ask you, you know with such a success with all their stores, what have you found will help you the most, I mean good employees obviously, but I mean getting that traffic through, getting them served quicker. We found the phone we used to be very helpful, that we ordered off our phone. And we got that, and that moved us along I think a little bit faster in Novi, like you said, it's an awkward spot in there, it really was, but I appreciate you looking at the logistics, but is there any other things you're doing to kind of speed along the traffic a little bit, you know what I'm saying?

Jurk replied sure. So what you see in this location that you don't see in Novi and this is a learning from Covid, so we've implemented it in this design, is a double drive-thru lane all the way around the building, right. So what we're trying to do there is get your orders earlier to give the kitchen more time to prepare the food, so when you get to the pick-up window, all you have to do is pick up your food and go after you're greeted with a warm smile and a warm meal. So, having the two lanes all the way around, getting the order earlier so the kitchen has time to prepare it, and the mobile app allows us to do that as well, right, you order on the phone before you come recognizing when you get close that order goes into the queue, that way when you get there, boom, boom, boom, we'll bring it out to you and you're on your way. So, multiple different things are taking place here to help speed that along. The single owner/operator model certainly is our secret to success there because he or she is in the store every single day building the team, getting buy-in from the team to be a great location and offer great customer service and great food. So those are the few key things that we're doing to try to get maximum efficiency to there.

Toy asked when Chick-fil-A started.

Jurk replied it was born in Atlanta, Georgia, Truett Cathy was the founder, and he opened up a little diner. It wasn't Chick-fil-A at the time, you know, he served burgers, he served all kinds of stuff but it was a diner 24-hours a day, six days a week. But his sister kind of shopped in a mall and she said, man, we need food in the mall to keep people in the mall longer so they more, right. So he went to the mall owner and said hey, I'd love to open up a restaurant in the mall, and that's when Chick-fil-A was born. The first location was inside a mall in Georgia. Prior to that there was no food in malls, so kind of pioneered the food court as you know it right now. And that was in 1967 and we opened up our first freestanding unit which we're talking about here in 1987 and those two growth avenues have been our primary form of business outside of the college locations and the airports and things like that.

Councilmember Toy thanked him for the background and for choosing Livonia.

Councilmember Jolly stated that they had always gone to Chick-fil-As in Virginia and other places as we were traveling out of state. We always found the locations to be extremely clean, extremely well-run with great people and I'm excited to have that kind of experience here in Livonia. They really truly are operated like independent, privately owned small businesses, so that's one thing. The other thing is none of these places we went out of state had long waits or long lines. It's not because the food wasn't good, it was kind of old news. With the benefit at this point of being exciting and new, I have no doubt that the traffic and everything else will regulate and normalize over time, so thank you for bringing this to Livonia and we're happy to have you.

President McIntyre stated she appreciates all of the discussion and will see everyone on the 13th of January meeting.

DIRECTION: 1) APPROVING PLAN COMM'S RECCOMENDATIONS REGULAR
2) APPROVING WITH CONDITION NO LEFT TURN REGULAR

**CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD JANUARY 6, 2021**

Meeting was called to order via Zoom remote technology at 8:00 p.m. by President Kathleen McIntyre. Present: Cathy White (Lehigh Acres, Florida), Brandon McCullough (Livonia, Michigan), Rob Donovic (Deployed), Jim Jolly (Livonia, Michigan); Laura Toy (Livonia, Michigan) and President Kathleen McIntyre (Livonia, Michigan). Absent: Scott Bahr.

Councilmember White led the meeting in the Pledge of Allegiance.

Elected and appointed officials present: Mark Taormina, Director of Planning and Economic Development; Todd Zilincik, City Engineer; Paul Bernier, City Attorney; Susan Nash, City Clerk; Denise Maier, Director of Human Resources; Linda Gosselin, City Assessor; Ted Davis, Superintendent of Parks and Recreation; and Casey O'Neil, Director of Information Systems.

- 13) SITE PLAN PETITION: Planning Commission, re: Petition 2020-11-08-07 submitted by Adams Park Development, L.L.C., requesting to develop a site condominium (Adams Park) consisting of thirty-nine (39) single-family homes on the properties located on the south side of Lyndon Avenue between Inkster and Middlebelt Roads (14416 Harrison Avenue and 28201 Lyndon Avenue, former Adams Elementary School site) in the Southeast $\frac{1}{4}$ of Section 24.

Mark Taormina, Director of Planning and Economic Development, presented this request to Council. He stated as Council is familiar with this proposal, it involves a development of a condominium subdivision called Adams Park, it's at the former Adams Elementary School, at the southeast corner of Lyndon and Harrison Avenue. This is an 11.8 acre site. It's surrounded by residential to the east, the west and the north. Immediately to the south is Dooley Park. The subject property is as you know currently in the process of being rezoned from Public Land to R-1, single family residential. Council did first reading on the rezoning on November 4th and second reading and roll call are after your review of this site plan. So the plan shows thirty-nine condominium lots, that are nearly identical to the last plan we saw at the time of the first meeting. Most of the lots as you can see have frontage on two streets, so that's Lyndon, there is a cul-de-sac that extends south of the roads along the west side of the development. Lots 11-39 would access the internal streets; and the Lots 1-10 as you can see along the west side of the property would have direct frontage and access to Harrison Avenue. All thirty-nine lots would meet or exceed the R-1 lot size requirements, in fact, roughly half of the lot measures 70-feet in width. There are two open space park areas, the largest is in the southeast corner of the property and will include the storm water detention basin. That basin will occupy roughly 60 percent of that 1.1 acre private park. Now there are two other smaller open space areas, one is in the southwest

corner of the property, that's in here, and then a narrow park area along Lyndon that I believe is the landscaping and for signage. You'll note that there's an access point located here between Lots 21 and 22 for pedestrians. A second access does not appear on this particular rendering and will be located along the north side of the park and that be for the access for maintenance of the detention basin. Everything else is pretty much the same as you saw previously. The Planning Commission reviewed this item including the Master Deed and Bylaws and is recommending approval.

Councilmember Jolly stated they had an opportunity to look at this and put a lot of insight forward the first time around when we discussed the zoning. I think the developer has met with us and our demands very graciously here, I'm excited about this project, I think it's one of the best projects we have had come before us for quite some time and I'd be happy to offer an approving resolution and I'd like on Consent if there are no objections.

DIRECTION:

APPROVING

CONSENT