

MINUTES OF THE ONE THOUSAND NINE HUNDRED SIXTY EIGHTH**REGULAR MEETING MAY 8, 2023**

On May 8, 2023, the above meeting was held at the City Hall, 33000 Civic Center Drive, Livonia, Michigan, and was called to order by the President of the Council at 7:00 p.m. Councilmember McCullough led the meeting with the Pledge of Allegiance.

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

Elected and appointed officials present: Paul Bernier, City Attorney; Susan M. Nash, City Clerk; Sara Kasproicz, Program Supervisor of Council Office; Mark Taormina, Director of Planning and Economic Development; and Todd Zilincik, City Engineer.

On a motion by Vice President Toy, and supported by Councilmember Donovic, it was:

#129-23 RESOLVED that the Minutes of the 1,967th Regular Meeting of the Council held April 24, 2023 are approved as presented.

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

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

NAYS: None

PRESENT: McIntyre and Bahr

During audience communication Margaret Ehrle, 31545 Pembroke Street, praised the Livonia Transit Program and wants transit kept within our community.

The following residents expressed concerns about the possibility of LIV Lounge coming into Livonia:

Angela Barliakos, 8856 Cardwell

Mrs. Taylor, 9186 Cardwell

President Jolly indicated there are no specifics on Liv Lounge but it is on the radar of Mark Taormina, the Director of Planning and Economic Development, as well as the Council.

Darrell Smith, 14006 Brookfield, suggested a wireless microphone for people that cannot get to the podium. He also expressed his concern about saving the Noble Library.

Councilmember Bahr wished his daughter and wife Happy Birthdays. He asked Mark Taormina if the property for the proposed LIV Lounge is zoned for that use. Mark said it is zoned commercial and allows for the proposed use but there are limitations for parking and building capacity issues that are being discussed in the Building and Inspection Department. He suggested residents reach out to the Inspection Department for more information.

Councilmember Donovic asked Mark Taormina, Director of Planning and Economic Development, if the proposed LIV Lounge is the type of facility that has come about because of Covid, being a smaller event space rented for different types of parties and some have turned into alcoholic party nights. He said the new Zoning Ordinance has taken these into consideration to make sure we have regulation on these types of venues, so they don't impact the residents. Mark said the Zoning amendments on the agenda address banquet facilities and the new definition would cover event spaces. He believes this type of event space would require a formal review process.

Vice President Toy reminded us of the upcoming Livonia Symphony's Garden Tea at Laurel Manor and the upcoming charity golf event at Whispering Willows Golf Course benefiting Tailwaggers. She also wished Mayor Brosnan a happy birthday.

Councilmember Morgan reminded us of the May 20th Car Show to benefit Anastasia and Kate's Coffee Shop.

Councilmember McCullough mentioned the following events that occurred last Saturday: park clean up at Nobel Library, Clements Circle with Mr. Alexander, ribbon cutting at Ben Celani Park, and a renaming of the dog park. He commended President Jolly and everyone involved in the Ben Celani Park improvements.

On a motion by Councilmember McCullough, supported by Vice

President Toy and unanimously adopted, it was:

#130-23 RESOLVED, that upon the motion by Councilmember Brandon McCullough, seconded by Council Vice President Laura Toy, at the Regular Meeting held May 8, 2023, the Council does hereby refer the subject matter of the vacant and abandoned fee schedule to the Committee of the Whole for its report and recommendation.

Councilmember McIntyre wished the Mayor a happy birthday and announced the retirement of Toni LaPorte, Library Director and David Flahan, Public Service Worker I. She congratulated the Livonia Community Prayer Breakfast Committee on an outstanding event. She also spoke about the new stadium at Madonna University and why it wasn't required to come before Council.

President Jolly wished a happy birthday to Dave Varga, Mayor's Chief of Staff, and Mike Slater, Finance Director.

On a motion by Councilmember Donovic, with the support of Councilmember McCullough, it was:

#131-23 RESOLVED, that having considered an application from Melissa Walker, dated April 2, 2023, requesting permission to close Hillcrest between Livonia Crescent Circle South to Livonia Crescent Circle North, on Saturday, June 3, 2023, from 1:00 p.m. until 10:00 p.m., for the purpose of conducting a block party with music, grilling, games and an outdoor movie, the Council does hereby grant permission as requested, including therein permission to conduct the said affair on Saturday, June 10, 2023, in the event of inclement weather, the action taken herein being made subject to the approval of the Police Department.

#132-23 RESOLVED, that having considered an email communication from Nate Richards, New Rosedale Gardens Homeowners Association, dated April 6, 2023, requesting permission to waive Section 8.32.070 (Noise Control) of the Livonia Code of Ordinances, as amended, to show a family-friendly movie at Mies Park beginning at dusk until the end of the movie on various dates from May 2023 through October 2023, the Council does hereby grant and approve this request in the manner and form herein submitted.

#133-23 RESOLVED, that having considered an email communication from Chelsea Gibson, dated April 12, 2023, to which is attached a communication from Tenika Griggs, Esq., Director of Compliance, dated April 11, 2023, wherein a request is submitted to transfer the waiver use approval in response to Petition 2018-04-02-09 submitted by Allyson Andrews (Andrews Angels Academy), which petition was approved by City Council on October 1, 2018, pursuant to Council Resolution 354-18, to operate a child daycare center on property located on the south side of Seven Mile Road between Purlingbrook and Merriman Roads (30931 Seven Mile Road) in the Northwest 1/4 of Section 11, the Council does hereby approve of the request to transfer waiver use approval to operate a child daycare center on property located on the south side of Seven Mile Road between Purlingbrook and

Merriman Roads (30931 Seven Mile Road) from Allyson Andrews, Andrews Angels Academy, 30931 Seven Mile Road, Livonia, Mi 48152 to the new owner, Chelsea Gibson, Kids Kastle Learn AND Playcare, LLC, 14037 Crosley, Redford, Michigan 48239 subject to compliance with all of the conditions set forth in the original waiver use approval.

#134-23 RESOLVED, that having considered the report and recommendation of the Interim Executive Director of Housing, dated March 27, 2023, which bears the signature of the Director of Finance, and is approved for submission by the Mayor, the Council does hereby authorize the purchase of one (1) 2023 Ford Transit 350 high roof 14-passenger awd van with upfit, from Lunghamer/ Signature Ford, 1960 E. Main St., Owosso, MI 48867, in an amount not to exceed \$98,005.00, for use by Livonia Community Transit; further, the Council does hereby authorize an expenditure in an amount not to exceed \$98,005.00 from funds budgeted in Account No. 288-608-985-000 (Capital Outlay Vehicles) for this purpose; FURTHER, the Council does hereby determine to authorize the said purchase without competitive bidding inasmuch as the same is based upon the low State of Michigan bid price under MI-Deal Contract No. 071B7700180 and Macomb County Contract #21-18 for the new vehicle purchase; so no advantage to the City would result from competitive bidding, and such action is taken in accordance with the provisions set forth in Section 3.04.140.E.4 of the Livonia Code of Ordinances, as amended.

#135-23 RESOLVED, that having considered a communication from the Superintendent of Parks and Recreation, dated March 28, 2023, which bears the signature of the Director of Finance, and is approved for submission by the Mayor, to which is attached a proposal from Detroit Architectural Group, Inc. (DAG), dated February 17, 2023, for architectural design services in connection with the proposed ice rink and pavilion at Greenmead Historical Park, the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute a contract, subject to approval as to form and substance by the Department of Law, between the City of Livonia and Detroit Architectural Group, Inc. (DAG), 30445 Northwestern Hwy., Suite 360, Farmington Hills, MI 48334, to provide professional architectural design services in connection with the proposed ice rink and pavilion at Greenmead Historical Park in an amount not to exceed \$147,860.00, the same having been in fact the lowest bid received and meets all specifications; FURTHER, the Council does hereby authorize an additional appropriation from the unexpended fund balance of the Historical Commission Fund (270) to be transferred to the General Fund – Greenmead and Cultural Department (101-821) in an amount not to exceed \$147,860.00 to cover all associated expenses; FURTHER, the aforesaid proposal is accepted through the Qualification Based Selection Process, pursuant to CR 378-20, adopted on December 14, 2020.

#136-23 RESOLVED, that having considered a communication from the Director of Public Works, dated March 24, 2023, submitted pursuant to Council Resolution 128-21, adopted on April 26, 2021, which bears the signature of the Director of Finance and is approved for submission by the Mayor, the Council does hereby accept the bid of Etna Supply Company, 529 32nd Street SE, Grand Rapids, MI 49548, for supplying the Public Works Division with water meters and supplies based upon the unit prices set forth in the attachment to said communication, for the period April 1, 2023 through March 31, 2024, at a total cost not to exceed \$1,500,000.00 annually; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$1,500,000.00 from funds already budgeted in Account No.: 592-559-787-040 of the Water and Sewer Budget for this purpose; FURTHER, the Council does hereby determine to authorize the purchase of said items without competitive bidding inasmuch as Etna Supply Company is the sole source provider of Sensus Meters for the State of Michigan and no advantage to the City would result from competitive bidding, and such action is taken in accordance with the provisions set forth in Section 3.04.140.E.3 of the Livonia Code of Ordinances, as amended.

#137-23 RESOLVED, that having considered the report and recommendation of the Assistant Director of Public Works, dated March 24, 2023, which bears the signatures of the Director of Public Works and the Director of Finance and is approved for submission by the Mayor, the Council does hereby accept the unit price bid of Urban Tree Trimming, 5671 Trumbull St., Detroit, MI 48208 for performing all work required in connection with the city's 2023 Parks Tree and Stump Removal Program for an amount not to exceed \$58,890.00, with additional funds allowed within the budgeted amount of \$65,000.00 for any emergency removals during the season, the same having been in fact the lowest bid received which meets all specifications; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$65,000.00 from funds budgeted in GL Account No. 226-528-882-060 for this purpose; FURTHER, in the event the low bidder is unable to complete the work, the Council does hereby accept the unit price bid of the second lowest bidder, Limb Walkers Tree & Snow, 10073 Bryce Rd., Avoca, MI 48006 to complete the work for an amount not to exceed \$62,098.00; and the Mayor and City Clerk are hereby authorized to execute a contract, approved as to form and substance by the Department of Law, for and on behalf of the City of Livonia with the aforesaid bidder(s) and to do all other things necessary or incidental to the full performance of this resolution.

#138-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated March 27, 2023, submitted pursuant to Council Resolutions 336-21 and 87-22, which bears the

signatures of the Director of Public Works, the Director of Finance and the City Attorney, and is approved for submission by the Mayor, to which is attached a proposed amendment to the Engineering contract between the City of Livonia and Hubbell, Roth & Clark, Inc. (HRC), P.O. Box 824, Bloomfield Hills, Michigan 48303-0824, dated March 28, 2023, for design engineering services in connection with the Merriman Road Water Main Replacement Project (Plymouth Road to the CSX Railroad Right-of-Way), the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute the attached contract amendment between the City of Livonia and Hubbell, Roth & Clark, Inc., P.O. Box 824, Bloomfield Hills, Michigan 48303-0824, to provide design engineering services in connection with the Merriman Road Water Main Replacement project - Plymouth Road to the CSX Railroad Right-of-Way - in an amount not to exceed \$114,685.00; FURTHER, the aforesaid proposal is accepted without competitive bidding pursuant to Livonia Code of Ordinances Section 3.04.140.E.2.b; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$114,685.00 from funds budgeted in Account No. 592-158-000 (Construction-In-Progress) for this purpose; and the City Engineer is hereby authorized to approve minor adjustments in the work as it becomes necessary, but this authorization does not entitle the City Engineer to authorize any increase in the not to exceed amount or to contract with other parties.

#139-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated April 12, 2023, which bears the signatures of the Director of Public Works and the City Attorney and is approved for submission by the Mayor, with regard to a request from Community Financial Credit Union, a non-profit organization, in conjunction with the construction of a storm drainage system to provide adequate drainage from property located at 15251 Middlebelt Road, Livonia, Michigan, the Council does hereby determine as follows:

1. To accept on behalf of the City of Livonia, the jurisdiction and maintenance of the storm sewer within the property located at 15251 Middlebelt Road, in the Northeast ¼ of Section 23, for the development of Community Financial Credit Union, which accommodates storm water from property developed at 15251 Middlebelt Road, with the maintenance agreement from the proprietor, Community Financial Credit Union, a non-profit organization, located at 500 Harvey St., Plymouth, Michigan 48170, attached to said report and recommendation, indicating a corporate commitment to maintain the system and reimburse the City for any maintenance the City performs; and

2. To authorize the Mayor and City Clerk to execute the Storm Water Facilities Maintenance Agreement on behalf of the City; and
3. To advise the Wayne County Department of Public Services (Permit Section) that the City of Livonia has approved the storm water collection system site plans and further, that the City will accept jurisdiction and maintenance (at no expense to the County) of the storm sewer within the property located at 15251 Middlebelt Road, in the Northeast ¼ of Section 23; and
4. To authorize the City Engineer to execute a Wayne County permit on behalf of the City of Livonia in connection with the above storm sewer collection system.

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

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

NAYS: None

Vice President Toy gave report on the Senior Citizens, Families and Environment Committee Meeting of April 19, 2023.

On a motion by Councilmember Donovic, supported by Councilmember Morgan and unanimously adopted, it was:

#140-23 RESOLVED, that having considered the report and recommendation of the Senior Citizens, Families and Environment Committee, dated April 19, 2023, submitted pursuant to Council Resolution 917-98, regarding the subject matter of a local bus transportation system for the City of Livonia, the Council does hereby determine to take no further action with regard to this matter.

Vice President Toy gave report on the Senior Citizens, Families and Environment Committee Meeting of April 19, 2023, on the subject of mass transit and the item will remain in Committee. (CR 74-15)

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

#141-23 RESOLVED, that having considered the report and recommendation of the Senior Citizens, Families and Environment

Committee, dated April 19, 2023, submitted pursuant to Council Resolution 76-18, regarding the subject matter of Livonia Community Transportation Services ("LCTS"), the Council does hereby refer the subject matter of looking into funding to provide raises for LCTS drivers to the administration for its report and recommendation.

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

#142-23 RESOLVED, that having considered the report and recommendation of the Senior Citizens, Families and Environment Committee, dated April 19, 2023, submitted pursuant to Council Resolution 76-18, regarding the subject matter of Livonia Community Transportation Services, the Council does hereby refer the subject matter of providing salary comparisons of drivers in other cities to the administration for its report and recommendation.

AND

#143-23 RESOLVED, that having considered the report and recommendation of the Senior Citizens, Families and Environment Committee, dated April 19, 2023, submitted pursuant to Council Resolution 76-18, regarding the subject matter of Livonia Community Transportation Services, the Council does hereby refer the subject matter of a one-time pick up at Silver Village to the administration for its report and recommendation.

Vice President Toy gave report on the Senior Citizens, Families and Environment Committee Meeting of April 19, 2023. on the subject of transportation issues for seniors, families, and other community residents and the item will remain in Committee. (CR 34-23)

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

#144-23 RESOLVED, that having considered an application from Elizabeth Dreyer, dated March 23, 2023, and an email communication from Ms. Dreyer, dated April 24, 2023, requesting permission to close Oporto Avenue between Morlock and Norfolk Streets on Saturday, May 27, 2023, from 2:00 p.m. until 10:00 p.m., for the purpose of conducting a block party with music, grilling and yard games, the Council does hereby grant permission as requested, the action taken herein being made subject to the approval of the Police Department.

On a motion by Councilmember McCullough, supported by Councilmember Donovan and unanimously adopted, it was:

#145-23 RESOLVED, that having considered a communication from the City Planning Commission, dated April 10, 2023, approved for submission by the Mayor, which transmits its resolution 04-19-2023, adopted on April 4, 2023, with regard to Petition 2023-03-SN-01 submitted by Metro Detroit Signs, on behalf of Pentagon Centre Condominium, requesting approval to replace existing ground signs with larger nonconforming panel signs at 19500 Haggerty Road, located on the east side of Haggerty Road between Seven Mile Road and Phillips Road in the Southwest ¼ of Section 9, the Council does hereby concur in the recommendation made by the City Planning Commission and Petition 2023-03-sn-01 is hereby approved and granted, subject to the following conditions:

1. The revised drawings prepared and submitted by Metro Signs, dated February 2023, are approved and shall be adhered to;
2. This approval is subject to the petitioner being granted variances from the Zoning Board of Appeals for excess sign area; and
3. Any additional signs shall return before the Planning Commission and City Council for review and approval.

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

AN ORDINANCE AMENDING THE LIVONIA ZONING ORDINANCE, AS AMENDED, IN ACCORDANCE WITH PUBLIC ACT 110 OF 2006 (MICHIGAN ZONING ENABLING ACT) AS AMENDED.

President Jolly relinquished the chair to Vice President Toy at 8:06 p.m.

Darrell Smith, 14006 Brookfield, spoke in favor of keeping the current name of the Zoning Ordinance.

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

AYES: McIntyre, Bahr, Donovan, and Morgan

NAYS: McCullough, Jolly, and Toy.

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

President Jolly resumed the chair at 8:09 p.m.

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

#146-23 RESOLVED, that upon the motion by Councilmember Brandon McCullough, seconded by Council Vice President Laura Toy, at the Regular Meeting held May 8, 2023, the Council does hereby refer the subject matter of a city-wide comprehensive survey of the salary structure of employees to the committee of the whole for its report and recommendation.

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

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

NAYS: McIntyre and Bahr

There was no Audience Communication.

On a motion by Vice President Toy, supported by Councilmember Morgan and unanimously adopted, this 1,968th Regular Meeting of the Council of the City of Livonia was adjourned at 7:41 p.m.

Susan M. Nash, City Clerk