

MINUTES OF THE ONE THOUSAND NINE HUNDRED SEVENTY FIRST**REGULAR MEETING JUNE 26, 2023**

On June 26, 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 Morgan led the meeting with the Pledge of Allegiance.

Roll was called with the following result: Scott Morgan, Brandon McCullough, Kathleen McIntyre, and Jim Jolly. Absent: Scott Bahr, Rob Donovic, and Laura Toy

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

On a motion by Councilmember McCullough, and supported by Councilmember Morgan, it was:

#186-23 RESOLVED that the Minutes of the 1,970th Regular Meeting of the Council held June 5, 2023 are approved as presented.

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

AYES: Morgan, McCullough, McIntyre, and Jolly

NAYS: None

During audience communication Matt Koleszar, Michigan State Representative, gave an update on the State Budget. He also explained the Michigan's Hands-Free Driving Law which becomes effective June 30, 2023.

Karla Truxall, 29583 Jacquelyn Drive, founder of SPN Survivors, spoke about their non-profit organization dedicated to mental health education. They have an event called Moving with Moose which runs July 10, 2023 to September 10, 2023.

Ameer Jamiel from Urgent Care 365, 17876 Farmington Road, spoke about visibility and signage issues.

President Jolly explained how he could get a temporary sign or a zoning variance and directed him to the Inspection Department.

Councilmember McIntyre congratulated President Jolly, his wife Katie, and his family on the arrival of Jack Gabriel Jolly who was born on June 20, 2023. She also thanked the Livonia Anniversary Board, Sam Caramagno and all committees involved with the Livonia Spree. She explained the decision to close the Spree early due to inclement weather and that taxpayer dollars are not used for the Spree in any way. She also asked for a moment of silence in honor of the passing of Jim Pardo on June 13, 2023.

Councilmember McCullough wished his daughter, Harper, a happy 9th birthday.

Councilmember Morgan spoke about Jim Pardo and sent condolences to his family.

President Jolly wished his son, J.D. a happy 8th birthday.

President Jolly announced item number 14 has been removed from the agenda.

A communication from the Department of Finance, dated May 30, 2023, re: forwarding Retirement System Annual Report - Fiscal Year 2022 was received and placed on file for the information of the Council.

A communication from the Department of Finance, dated June 1, 2023, re: forwarding various financial statements of the City of Livonia for the month ending April 30, 2023, was received and placed on file for the information of the Council.

A communication from the Department of Finance, dated June 1, 2023, re: forwarding the Departmental Purchases Report for the month ending May 31, 2023, was received and placed on file for the information of the Council.

On a motion by Councilmember Bahr, with the support of Councilmember Morgan, it was:

#187-23 RESOLVED, that having considered an application from Allison Adams, dated May 17, 2023, requesting permission to close

Flamingo Blvd. between Clarita Avenue and Pickford Street, on Saturday, July 22, 2023, from 2:00 p.m. to 10:00 p.m. for the purpose of conducting a block party, the Council does hereby grant permission as requested, including therein permission to conduct the said affair on Saturday, August 5, 2023, in the event of inclement weather, the action taken herein being made subject to the approval of the Police Department.

#188-23 RESOLVED, that having considered an application from Judy Weiser, dated May 22, 2023, requesting permission to close the cul-de-sac of Liverpool Avenue on Saturday, August 5, 2023, from 4:30 p.m. until 7:30 p.m., for the purpose of conducting a block party with possible food truck, the Council does hereby grant permission as requested, the action taken herein being made subject to the approval of the Police Department.

#189-23 RESOLVED, that having considered an application from Mikael Gandy, dated May 19, 2023, requesting permission to close in front of the homes at 14183 and 14167 South Livonia Crescent on Sunday, August 13, 2023, from 1:00 p.m. to 7:00 p.m., for the purpose of conducting a block party, the Council does hereby grant permission as requested, including therein permission to conduct the said affair on Saturday, August 26, 2023, in the event of inclement weather, the action taken herein being made subject to the approval of the Police Department.

#190-23 RESOLVED, that having considered a communication from the City Engineer, dated May 16, 2023, approved for submission by the Mayor, to which is attached a letter from Joseph Eadeh, American Building, Co., received by the Clerk's Office on May 15, 2023, requesting a waiver of the sidewalk requirement in front of the newly constructed home located at 18937 Melvin, in the N.E. ¼ of Section 11, the Council does hereby concur in the recommendation of the City Engineer that due to existing sidewalks along the east side of Melvin from Clarita to 7 Mile Road, and on the west side, three (3) houses north of 18937 Melvin near the intersection of Clarita, to place the sidewalk along the 70 feet of frontage as originally approved on the plot plan.

#191-23 RESOLVED, that pursuant to Section 13.14(2) of the Livonia Zoning Ordinance and Section 601 of Act 110 of the Public Acts of Michigan of 2006, as amended, Michael A. Testa, 36894 Sunnydale Street, Livonia, MI 48154, is hereby reappointed to the Zoning Board of Appeals for a three-year term expiring on July 12, 2026, with all the authority and duties as set forth in the said Zoning Ordinance and Act 110.

#192-23 RESOLVED, that pursuant to Section 13.14(2) of the Livonia Zoning Ordinance and Section 601 of Act 110 of the Public Acts

of Michigan of 2006, as amended, Martha Ptashnik, 19251 Glen Eagles Dr., Livonia, MI 48152, is hereby reappointed to the Zoning Board of Appeals for a three-year term expiring on July 12, 2026, with all the authority and duties as set forth in the said Zoning Ordinance and Act 110.

#193-23 WHEREAS, the City of Livonia, County of Wayne, State of Michigan (the "City"), has determined that it is necessary for the public health, safety and welfare of the City to acquire, construct, furnish and equip improvements to the water supply system of the City's existing Water Supply and Sewage Disposal System (the "System"), including the replacement and upsizing of water mains in the City, together with all related appurtenances and attachments thereto (the "Project"); and

WHEREAS, the Revenue Bond Act, Act 94, Public Acts of Michigan, 1933, as amended ("Act 94"), provides a means for financing the purchase, acquisition, construction, improvement, enlargement, extension, and repair of public improvements such as the Project through the issuance of revenue bonds; and

WHEREAS, the issuance of bonds payable from revenues of the System under Act 94 in a total amount not to exceed Six Million Five Hundred Thousand Dollars (\$6,500,000) (the "Bonds"), for the purpose of financing all or part of the Project represents the most practical means to that end; and

WHEREAS, a notice of intent to issue revenue bonds must be published before the issuance of the Bonds in order to comply with the requirements of Section 33 of Act 94; and

WHEREAS, the City intends at this time to state its intentions to be reimbursed from proceeds of the Bonds for any expenditures undertaken by the City for the Project prior to issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue the Bonds in the *Detroit Legal News*, a newspaper of general circulation in the City.
2. The notice of intent shall be published as a display advertisement not less than one-quarter (1/4) page in size in substantially the form attached to this resolution as Exhibit A.
3. The City Council does hereby determine that the foregoing form of Notice of Intent to Issue Bonds, and the manner of publication directed, is adequate notice to the electors of the City and users of

the System, and is the method best calculated to give them notice of the City's intent to issue the Bonds, the purpose of the Bonds, the security for the Bonds, and the right of referendum of the electors with respect thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:
 - (a) As of the date hereof, the City reasonably expects to reimburse the City for the expenditures described in (b) below with proceeds of debt to be incurred by the City.
 - (b) The expenditures described in this paragraph (b) are for the costs of acquiring and constructing the Project which were or will be paid subsequent to sixty (60) days prior to the date hereof.
 - (c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$6,500,000.
5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

EXHIBIT A

NOTICE TO TAXPAYERS AND ELECTORS OF THE CITY OF LIVONIA AND TO USERS OF THE CITY'S WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM OF INTENT TO ISSUE REVENUE BONDS AND THE RIGHT OF REFERENDUM RELATING THERETO.

PLEASE TAKE NOTICE that the City Council of the City of Livonia, County of Wayne, State of Michigan (the "City"), intends to issue and sell revenue bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in one or more series, in a total amount not to exceed Six Million Five Hundred Thousand Dollars (\$6,500,000), for the purpose of paying all or part of the cost to acquire, construct, furnish and equip improvements to the water supply system of the City's existing Water Supply and Sewage Disposal System, including the replacement and upsizing of water mains in the City, together with all related appurtenances and attachments thereto.

SOURCE OF PAYMENT OF REVENUE BONDS

THE PRINCIPAL OF AND INTEREST ON THE REVENUE BONDS SHALL BE PAYABLE solely from the revenues received by the City from the operations of the Water Supply and Sewage Disposal System (the "System"). The revenues will consist of rates and charges billed to the users of the System, a schedule of which is presently on file in the office of the City Clerk. The rates and charges may from time to time be revised to provide sufficient revenues to provide for the expenses of operating and maintaining the System, to pay the principal of and interest on the bonds and to pay other obligations of the System.

BOND DETAILS

THE REVENUE BONDS will be payable in annual installments not to exceed twenty (20) in number and will bear interest at the rate or rates to be determined at public or private sale but in no event to exceed such rates as may be permitted by law on the unpaid balance from time to time remaining outstanding on said bonds.

RIGHT OF REFERENDUM

THE REVENUE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS OF THE CITY VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 33, Act 94, Public Acts of Michigan, 1933, as amended.

ADDITIONAL INFORMATION will be furnished at the office of the City Clerk upon request.

Susan M. Nash
City Clerk, City of Livonia

#194-23 RESOLVED, that having considered a communication from the Superintendent of Parks and Recreation, dated May 22, 2023, which bears the signature of the Director of Finance, and is approved for submission by the Mayor, the Council does hereby accept the quote of Freemotion Fitness, PO Box 7410479, Chicago, IL 60674-0479 for the purchase of one (1) Freemotion Fitrig, with accessories and storage, for use at the Jack E. Kirksey Recreation Center, in an amount not to exceed \$22,997.21, the same having been the second lowest qualified bid received which meets all specifications; FURTHER, the Council does

hereby reject the quote submitted by Direct Fitness Solutions in that it did not meet specifications by not quoting the specified equipment, attachments or storage; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$22,997.21 from funds budgeted in Account No: 208-755-987-000 for this purpose.

#195-23 RESOLVED, that having considered a communication from the Superintendent of Parks and Recreation, dated May 23, 2023, which bears the signature of the Director of Finance, and is approved for submission by the Mayor, the Council does hereby accept the quote of Strengthio Fitness LLC, 342 Market Ave. SW, Grand Rapids, MI 49503, for the purchase of one (1) Nautilus Multi 14 Station, for use at the Jack E. Kirksey Recreation Center, in an amount not to exceed \$25,737.00, the same having been the lowest qualified bid received and meets all specifications; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$25,737.00 from funds budgeted in Account No: 208-755-987-000 for this purpose.

#196-23 RESOLVED, that having considered the report and recommendation of the Director of Public Works, dated May 22, 2023, which bears the signatures of the Director of Finance and the City Attorney and is approved for submission by the Mayor, the Council does hereby authorize the Mayor and City Clerk to execute a one year contract, for and on behalf of the city of Livonia, with EJ USA, Inc., 13001 Northend Avenue, Oak Park, Michigan 48237, for the purchase of stormwater, water main, and sanitary manhole related items, in an annual amount not to exceed \$150,000.00, for the period of July 1, 2023 through June 30, 2024; FURTHER; the Council does hereby authorize an expenditure in an amount not to exceed \$150,000.00 from funds already budgeted in Account Nos. 592-559-787-050 (Water Main Supply), 592-559-787-060 (Water Valves and Gate Wells), 592-559-787-070 (Hydrant Supply) and 592-559-796-000 (Sanitary Supply) for this purpose; FURTHER, the Council does hereby authorize the action herein without competitive bidding in accordance with the provisions set forth in Section 3.04.140.E.3 of the Livonia Code of Ordinances, as amended, for the reason that EJ USA, Inc. is a sole source supplier of castings, hydrants and valves in the State of Michigan and no advantage would result from requiring competitive bidding.

#197-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated May 17, 2023, submitted pursuant to Council Resolution 336-21, adopted on November 22, 2021, which bears the signatures of the Director of Public Works, the Director of Finance and the City Attorney, and is approved for submission by the Mayor, to which is attached a proposed amendment to the Engineering contract between the City of Livonia and Anderson, Eckstein and Westrick, Inc., 51301 Schoenherr Road, Shelby Township, Michigan

48315, dated May 12, 2023, for professional design engineering services relative to the West Chicago Road Reconstruction Project, the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute the attached contract amendment between the City of Livonia and Anderson, Eckstein And Westrick, Inc., to provide Design Engineering Services for the West Chicago Road Reconstruction Project from Harrison Road to Inkster Road, in an amount not to exceed \$103,916.00, said amount being based on the preliminary cost estimates and subject to adjustment based on the actual bids; FURTHER, the aforesaid proposal is accepted without competitive bidding pursuant to Code of Ordinances Section 3.04.140.E.2.b; FURTHER, the Council does hereby authorize an additional appropriation and expenditure from the Unexpended Fund Balance of the Major Road Fund (202) in an amount not to exceed \$103,916.00 for this purpose; and the City Engineer is hereby authorized to approve minor adjustments in the work as it becomes necessary but this authorization does not entitle the City Engineer to authorize any increase in the not to exceed amount or to contract with other parties.

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

AYES: Morgan, McCullough, McIntyre, and Jolly

NAYS: None

Councilmember McIntyre reported the results of the Finance and Budget Committee meeting of May 31, 2023.

A communication from the Department of Finance, the Independent Auditor's Report from Plante & Moran, dated May 16, 2023, was received and placed on file for the information of the Council.

A communication from the Department of Finance, the Federal Awards Supplemental Information from Plante & Moran, November 30, 2022, was received and placed on file for the information of the Council.

A communication from the Department of Finance, the Financial Report with Supplemental Information, November 30, 2022, from Plante & Moran, was received and placed on file for the information of the Council.

A communication from the Department of Finance, t the Financial Report with Supplemental Information, November 30, 2022, from Plante & Moran, was received and placed on file for the information of the Council.

This item will remain in committee.

On a motion by Councilmember McCullough, and supported by Councilmember Morgan, it was:

#198-23 RESOLVED, that having considered an application from Tracy Nolte, dated May 15, 2023, requesting permission to close Marie Street and Court, between Knolson St. and Minton Ave., on Saturday, August 5, 2023, from 2:00 p.m. to 10:00 p.m. for the purpose of conducting a block party, the Council does hereby grant permission as requested, including therein permission to conduct the said affair on Saturday, August 12, 2023, in the event of inclement weather, the action taken herein being made subject to the approval of the Police Department.

Item number 14, Petition 2023-03-02-02, submitted by Yo-Yo Spa 1, LLC, was removed from the agenda and will be placed on the regular agenda of July 10, 2023.

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

AN ORDINANCE AMENDING SECTION 040 OF TITLE 13, CHAPTER 08 (WATER SERVICE RATES AND REVENUES) OF THE LIVONIA CODE OF ORDINANCES, AS AMENDED.

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

AYES: Morgan, McCullough, McIntyre, and Jolly

NAYS: None

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

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

AN ORDINANCE AMENDING SECTION 050 OF TITLE 13, CHAPTER 08 (WATER SERVICE RATES AND REVENUES) OF THE LIVONIA CODE OF ORDINANCES, AS AMENDED.

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

AYES: Morgan, McCullough, McIntyre, and Jolly

NAYS: None

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

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

AN ORDINANCE AMENDING SECTION 050 OF TITLE 13, CHAPTER 28 (INDUSTRIAL WASTE SURCHARGE) OF THE LIVONIA CODE OF ORDINANCES, AS AMENDED.

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

AYES: Morgan, McCullough, McIntyre, and Jolly

NAYS: None

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

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

AN ORDINANCE AMENDING SECTION 120 OF TITLE 13, CHAPTER 20 (LIVONIA SEWAGE DISPOSAL SYSTEM) OF THE LIVONIA CODE OF ORDINANCES, AS AMENDED.

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

AYES: Morgan, McCullough, McIntyre, and Jolly

NAYS: None

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

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

AN ORDINANCE AMENDING SECTION 130 OF TITLE 13, CHAPTER 20 (LIVONIA SEWAGE DISPOSAL SYSTEM) OF THE LIVONIA CODE OF ORDINANCES, AS AMENDED.

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

AYES: Morgan, McCullough, McIntyre, and Jolly

NAYS: None

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

On a motion by Councilmember McIntyre with the support of Councilmember McCullough and unanimously adopted, it was:

#199-23 RESOLVED, that having considered a communication from the City Treasurer, dated May 24, 2023 ("Treasurer's Letter"), regarding the replacement of sidewalks in the City of Livonia on the following parcels (parcels of property and assessments, as outlined in the Treasurer's Letter, are included herein by reference), which work was done pursuant to Council Resolution Nos. 30-23 and 71-23 and in accordance with the provisions of Section 12.04.340 of the Livonia Code of Ordinances, and the City Treasurer having thereafter sent a statement of charges by first class mail to the owners of property to be assessed wherein notice of the meeting by the City Council of this date was given and at least 30 days having expired since the giving of such notice with such charges remaining unpaid, the Council does hereby, pursuant to the provisions of Section 3.08.150 of the Livonia Code of Ordinances, Title 3, Chapter 8, adopt this resolution wherein a special assessment is placed upon such property for said charges; FURTHER, the Council does

hereby authorize installment payments in the number of three (3) installments at 6% interest where assessments exceed \$400 and the property owner has requested such installments; FURTHER, the Council does hereby request that the City Treasurer shall give notice of the amounts herein determined to the persons chargeable therewith, such notice to be sent by first class mail to the last known address of such persons as shown on the most current assessment roll of the City, and where payments herein authorized are not made within the specified time this fact shall be reported by the City Treasurer to the City Assessor who shall charge such amount together with a penalty of 10% of such amounts against the persons or real property chargeable therewith on the next general tax roll; and the City Clerk and City Treasurer are hereby requested to do all things necessary or incidental to the full performance of this resolution.

There was no Audience Communication.

On a motion by Councilmember McIntyre, supported by Councilmember McCullough and unanimously adopted, this 1,971st Regular Meeting of the Council of the City of Livonia was adjourned at 7:30 p.m.

Susan M. Nash, City Clerk