

MINUTES OF THE ONE THOUSAND NINE HUNDRED SEVENTY FIFTH**REGULAR MEETING AUGUST 21, 2023**

On August 21, 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*, Laura Toy, Scott Bahr, Rob Donovic, and Jim Jolly. Absent: None. *Late arrival 7:02 p.m.

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

On a motion by Councilmember Donovic, supported by Councilmember McCullough, an unanimously adopted, it was:

#250-23 RESOLVED that the Minutes of the 1,974th Regular Meeting of the Council held August 9, 2023 are approved as presented.

During Audience Communication John Grzebik, 11301 Hubble, spoke about the City addressing the deer population, emergency sirens and thanked Council, Administration, and Department Heads for all of their efforts.

Daniela Abel, 12109 Cavell Street, addressed Council regarding her chickens, sustainable living, and the cost to go before the Zoning Board. The following residents spoke in favor of the chickens:

Diane Mancinelli, 19102 Fitzgerald

Julie Robinson, 12108 Cavell Street

Dave Kalota, 19102 Fitzgerald

Bob Hauser, 14792 Hubbard, spoke about an ordinance he is proposing in support of native landscapes.

Caitlin Bialowicz, 30528 Jeanine Street, indicated she didn't feel the music decibel limitations were adhered to on Sunday night of the St. Mary Festival and would like this revisited next year before the annual festival.

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

#251-23 RESOLVED, that upon the motion by Councilmember Kathleen McIntyre, seconded by Councilmember Brandon McCullough, at the Regular Meeting held August 21, 2023, the Council does hereby refer the subject matter of natural habitats, vegetation, and animals in residential zones to the Senior Citizens, Families and Environment Committee for its report and recommendation.

Councilmember Donovic announced that item #13 on the Council agenda is also about chickens. He also announced that John Pastor's Foundation to benefit the Children's Miracle Network will be holding a Detroit Red Wing Alumni versus the Boston Bruins game on September 30, 2023.

Councilmember McIntyre wished her husband, Brian, a happy birthday and a happy anniversary. She also explained her understanding of the \$450.00 fee for the Zoning Board of Appeals and asked if administration could send information to Council regarding the fee. She also addressed the topic of the BS&A fee discussed at a previous meeting.

Councilmember McCullough offered a motion, with the support of Vice President Toy, to put the issue of Zoning Board of Appeals fees into the Committee of the Whole, which was later withdrawn.

Councilmember McCullough reminded everyone of the upcoming Touch a Truck event.

President Jolly wished Judge Cavanaugh and Brandon McCullough a happy birthday.

Councilmember McIntyre wished Scott Morgan a happy birthday.

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

#252-23 RESOLVED, that having considered an application from Toni Joseph, dated July 17, 2023 requesting permission to close Floral Street, between Curtis and Lathers Streets, on Saturday, September 23, 2023, from 2:00 p.m. until 11:00 p.m., for the purpose of hosting a Baby Shower, the Council does hereby grant permission as requested, the action taken herein being made subject to approval of the Police Department.

#253-23 RESOLVED, that having considered an application from Stephanie Estereicher, dated July 24, 2023 requesting permission to close Bretton Drive, between Norwich and Pollyanna Streets, on Sunday, October 22, 2023, from 12:00 p.m. until 5:00 p.m., for the purpose of hosting the 11th Annual Windridge Village Halloween Event, the Council does hereby grant permission as requested, the action taken herein being made subject to approval of the Police Department.

#254-23 RESOLVED, that having considered a communication from the Fire Chief, dated July 24, 2023, 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 Priority One Emergency, 5755 Belleville Rd., Canton, MI 48188, for the purchase and installation of one (1) Emergency Warning, Response and Command Package for the new Shift Commander Response Vehicle, previously authorized in Council Resolution No. 58-23, adopted on February 27, 2023, to include lighting, sirens, speakers, dispatch radios, computer mounts and all accompanying labor for the installation of said equipment, in an amount not to exceed \$20,686.26, the same having been in fact the lowest bid received and meets all specifications; FURTHER, the Council des hereby authorize and expenditure in the amount not to exceed \$20,686-26 from funds budgeted in Account No. 101-338-985-000 for this purpose.

#255-23 RESOLVED, that having considered a communication from the Assistant Director of Public Works, dated July 27, 2023, which bears the signatures of the Interim Library Director, the Finance Director and the City Attorney, and is approved for submission by the Mayor, to which is attached a proposed agreement between the City of Livonia and Detroit Architectural Group for professional architectural services in connection with the Civic Center Library Chiller Replacement Design, the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute a contract between the City of Livonia and Detroit Architectural Group (DAG), 1644 Ford Avenue, Wyandotte, MI 48192, to provide professional architectural services in connection with the design/bid phase and construction contract administration for the Civic Center Library chiller replacement in an amount not to exceed \$60,800.00, the same having been in fact the lowest bid received and meets all specifications; FURTHER, the aforesaid proposal is accepted through the Qualification Based Selection Process, pursuant to CR 378-20, adopted on December 14, 2020, and such action is taken in accordance with Section 3.04.140.E.2.b of the Livonia Code of Ordinances, as amended; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$60,800.00, the source of such funds being \$30,400.00 budgeted in Account No. 401-000-976-000 and \$30,400.00 budgeted in Account No. 271-778-976-000 for this purpose.

#256-23 RESOLVED, that having considered a communication from the Assistant Director of Public Works, dated July 27, 2023, which bears the signatures of the Director of Public Works, the Director of Finance and the City Attorney, and is approved for submission by the Mayor, to which is attached a proposed agreement between the City of Livonia and DLZ Michigan, 607 Shelby Street, Suite 650, Detroit, MI 48226 for professional architectural services in connection with the 2023 Generator Replacement Project for Fire Stations 3, 4, and 6 and the DPW building maintenance facility (the "Project"), the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute a contract between the City of Livonia and DLZ Michigan, 607 Shelby Street, Suite 650, Detroit, MI 48226, to provide professional architectural services in connection with the design/bid phase and construction contract administration for the project, in an amount not to exceed \$64,000.00, the same having been in fact the lowest bid received and meets all specifications; FURTHER, the aforesaid proposal is accepted through the Qualification Based Selection Process, pursuant to CR 378-20, adopted on December 14, 2020, and such action is taken in accordance with Section 3.04.140.E.2.b of the Livonia Code of Ordinances, as amended; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$64,000.00 from funds budgeted in Account No. 401-000-976-000 for this purpose.

#257-23 RESOLVED, that having considered the report and recommendation of the Assistant Director of Public Works, dated July 13, 2023, which bears the signatures of the Director of Public Works and the Director of Finance, and is approved for submission by the Mayor, regarding additional appropriations and expenditures for unexpected trimming and removal of trees due to winter ice storms and heavy snow recurring in 2022-2023, previously authorized in Council Resolution No. 299-20, adopted on November 4, 2020, in a contract for tree trimming and removal services between the City and Boon Development, LLC, d/b/a Sod Solutions ("Sod Solutions"), 14382 Sunbury, Livonia, MI 48154, the Council does hereby appropriate and authorize an additional expenditure in an amount not to exceed \$100,000.00, payable to Sod Solutions, increasing the total annual contract amount from \$350,000.00 TO \$450,000.00, for performing all work required in connection with additional trimming and removal of trees resulting from the winter ice storms and heavy snow in 2022-2023 and the July 26, 2023 wind storms; FURTHER, the Council does hereby authorize an additional appropriation and expenditure in an amount not to exceed \$100,000.00 from funds available in Account No: 226-528-818-045 (Municipal Refuse Fund Contractual Services-Forestry) for this purpose.

#258-23 RESOLVED, that having considered the report and recommendation of the Assistant Director of Public Works, dated July 26, 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 authorize the purchase of 50 cases of Natular XRT tablets from Clarke Mosquito Control, 675 Sidwell Ct., St. Charles, IL 60174 (Vendor #28004), for the 2024 Mosquito Treatment Program, at a cost of \$968.00 per case, for a total amount not to exceed \$48,400.00; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$48,400.00 from funds budgeted in Account No: 226-529-805-010 (Pest Control) for this purpose; FURTHER, the Council does hereby authorize the purchase of said item without competitive bidding for the reasons indicated in the aforesaid communication, and such action is taken in accordance with Section 3.04.140.E.3 of the Livonia Code of Ordinances, as amended.

#259-23 RESOLVED, that having considered the report and recommendation of the Assistant Director of Public Works, dated July 27, 2023, which bears the signatures of the Director of Public Works, the Director of Finance and the City Attorney, and is approved for submission by the Mayor, to which are attached proposed Charging Station Agreements between the City of Livonia and Charge EV, LLC, 15045 Dixie Hwy., Suite A, Holly, MI 48442, for the installation, maintenance and operation of FLO Level 2 electric vehicle charging stations with two (2) ports to be installed on the premises of the Robert and Janet Bennett Library, two (2) ports to be installed at Fox Creek Golf Course/Bi-Centennial Park, and two (2) ports to be installed at the Jack E. Kirksey Recreation Center, with the City receiving a share of the revenue generated by the charging stations of \$0.03 per kilowatt hour; the Council does hereby approve of the aforesaid charging station agreements and authorizes the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute the attached agreements, approved as to form and substance by the Department of Law, and to do all other things necessary or incidental to the full performance of this resolution; FURTHER, the City share shall be deposited into Account No. 101-000-618-100.

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

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

NAYS: None

Councilmember Bahr gave report on the Finance and Budget Committee Meeting of August 2, 2023, regarding the subject matter of Advance Budget Reviews Fiscal Year 2023-2024 Pre-budget Meeting. (CR161-12) This item will remain in Committee.

The 2023 Assessment Data booklet from the City Assessor, dated July 11, 2023, was received and placed on file, for the information of the Council.

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

#260-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated August 9, 2023, which bears the signatures of the Director of Public Works and the Director of Finance, and is approved for submission by the Mayor, regarding additional appropriation and expenditure in connection with the saw cutting portion of the 2023 Sidewalk Repair Program (Contract 23-G), previously authorized in Council Resolution 071-23, adopted on February 27, 2023, the Council does hereby appropriate and authorize an additional expenditure in an amount not to exceed \$13,500.00, payable to Precision Concrete, Inc., 1896 Goldeneye Drive, Holland, MI 49424, increasing the not-to-exceed contract amount from \$15,000.00 TO \$28,500.00, for performing all work required in connection with additional saw cutting on Northfield Avenue from Hix Road to Pere Avenue and Knolson Street from Northfield Avenue to 9394 and 9397 Knolson Street, relative to the 2023 Sidewalk Repair Program (Contract 23-G); FURTHER, an amount not to exceed \$13,500.00 is hereby appropriated and authorized to be expended from Account No. 204-463-974-200 (Non-Motorized Paths) for this purpose.

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

#261-23 RESOLVED, that having considered the Findings and Order of the Hearing Officer, dated March 28, 2023, and a communication from the Director of Inspection, dated July 7, 2023, which bears the signature of the City Attorney, and is approved for submission by the Mayor, regarding a request to demolish a residential structure and pool located at 37739 Seven Mile Road, Livonia, Michigan, the legal description of which is as follows:

07A1 MELODY MANOR T1S R9E L72 P43 WCR LOT 1

and the Council having conducted a public hearing with regard to this matter on Monday, August 7, 2023, and based upon the testimony and evidence presented, and having reviewed the file and the order for demolition of the Hearing Officer, the Council does hereby determine, in accordance with the provisions set forth in Section 15.52.150 of the Livonia Code of Ordinances, as amended, to concur in and approve the order of demolition of the Hearing Officer; further, the owner(s) of the structure and pool in question are hereby requested to demolish the same on or before October 6, 2023, or in lieu thereof upon the expiration of the

60-day period prescribed by City Ordinance, the Inspection Department is hereby authorized to do all things necessary to accomplish the demolition of the said structure and pool in accordance with provisions of City Ordinance and Law, the cost of which is to be borne by the owner(s) of the said property in accordance with Section 15.52.180 of the Livonia Code of Ordinances.

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

#262-23 RESOLVED, that having considered the Findings and Order of the Hearing Officer, dated December 2, 2022, and a communication from the Director of Inspection, dated July 12, 2023, which bears the signature of the City Attorney, and is approved for submission by the Mayor, regarding a request to demolish a residential structure located at 11033 Berwick, Livonia, Michigan, the legal description of which is as follows:

34B456 ROSEDALE GARDENS NO 2 T1S R9E L57 P12 WCR LOT 456

and the Council having conducted a public hearing with regard to this matter on Monday, August 7, 2023, and based upon the testimony and evidence presented, and having reviewed the file and the order for demolition of the Hearing Officer, the Council does hereby determine, in accordance with the provisions set forth in Section 15.52.150 of the Livonia Code of Ordinances, as amended, to concur in and approve the order of demolition of the Hearing Officer; further, the owner(s) of the structure in question are hereby requested to demolish the same on or before October 6, 2023, or in lieu thereof upon the expiration of the 60-day period prescribed by City Ordinance, the Inspection Department is hereby authorized to do all things necessary to accomplish the demolition of the said structure in accordance with provisions of City Ordinance and Law, the cost of which is to be borne by the owner(s) of the said property in accordance with Section 15.52.180 of the Livonia Code of Ordinances.

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

#263-23 RESOLVED, that having considered a communication from the City Planning Commission, dated July 13, 2023, which transmits its resolution 07-46-2023, adopted on July 11, 2023, with regard to Petition 2023-04-01-03 submitted by Michael Morad, requesting to rezone the property at 20180 Westmore Street, located on the east side of Westmore

Street between Farmington Road and Shadyside Street in the Northwest ¼ of Section 3, from N2 (Neighborhood) to RUF (Rural Urban Farm), and the Council having conducted a public hearing with regard to this matter on Monday, August 7, 2023, the Council does hereby approve petition 2023-04-01-03 for preparation of the Ordinance for submission to Council; and the City Planner is hereby instructed to cause the necessary map for publication to be prepared indicating the zoning change herein approved and to furnish the same to the Department of Law and, upon receipt of such map, the Department of Law is requested to prepare an ordinance amending Livonia Zoning Ordinance, as amended, in accordance with this resolution.

Councilmember Donovic stepped down to avoid any perceived conflict of interest.

Vice President Toy gave first reading of the following Ordinance:

AN ORDINANCE AMENDING SECTION 1 OF THE ZONING MAP OF THE CITY OF LIVONIA AND AMENDING ARTICLE III OF LIVONIA ZONING ORDINANCE, AS AMENDED, KNOWN AND CITED AS "THE CITY OF LIVONIA ZONING ORDINANCE" BY ADDING SECTION 3.____ THERETO. (Petition 2023-05-01-04)

The foregoing Ordinance, when adopted, is filed in the Journal of Ordinances in the Office of the City Clerk and is the same as if word for word repeated herein. The above Ordinance was placed on the table for consideration at an upcoming Regular meeting.

Councilmember Donovic returned to the diaz.

President Jolly relinquished the chair at 8:06 p.m. to discuss the proposed Tree Ordinance. Margaret Erle, 31545 Pembroke Street and Diane Mancinelli, 19102 Fitzgerald also spoke about the trees in the city.

Councilmember McCullough gave first reading of the following Ordinance:

AN ORDINANCE ADDING SECTIONS 015, 045 AND 055, AND AMENDING SECTIONS 020, 040 AND 050 TO TITLE 12, CHAPTER 24 (TREES AND SHRUBS) OF THE LIVONIA CODE OF ORDINANCES, AS AMENDED.

The foregoing Ordinance, when adopted, is filed in the Journal of Ordinances in the Office of the City Clerk and is the same as if word for word repeated

herein. The above Ordinance was placed on the table for consideration at an upcoming Regular meeting.

President Jolly resumed the chair at 8:21 p.m.

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

AN ORDINANCE VACATING THE USE OF PORTIONS OF STREET, ALLEY AND PUBLIC GROUND. (Petition No. 2023-05-0301)

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

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

NAYS: None

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

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

#264-23 RESOLVED, that having considered a communication from the Department of Law, dated July 27, 2023, the Council does hereby, by a two-thirds roll call vote in accordance with Section 7(1) of the Open Meetings Act, direct that a Closed Committee of the Whole meeting be held for the purpose of discussing litigation matters and attorney/client privileged communications in connection with pending litigation, Donald and Dina Croskey, et al v City of Livonia; Wayne Circuit County Court Case No: 22-011590-NZ.

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

#265-23 RESOLVED, that having considered a communication from the Department of Law, dated July 27, 2023, the Council does hereby, by a two-thirds roll call vote in accordance with Section 7(1) of the Open Meetings Act, direct that a Closed Committee of the Whole meeting be

held for the purpose of discussing litigation matters in connection with pending litigation, Barbara L. Thomas v City of Livonia; EEOC Charge No. 471-2023-03811.

There was no audience communication at the end of the meeting.

On a motion by Vice President Toy, supported by Councilmember McCullough and unanimously adopted, this 1,975th Regular Meeting of the Council of the City of Livonia was adjourned at 8:26 p.m.

Susan M. Nash, City Clerk