

MINUTES OF THE ONE THOUSAND NINE HUNDRED TWELFTH**REGULAR MEETING OF JANUARY 13, 2021**

On January 13, 2021, the above meeting was called to order via remote Zoom technology by President Kathleen McIntyre at 7:00 p.m. Councilmember Cathy White led the meeting in the Invocation.

Roll was called with the following result: Cathy White (Lehigh Acres, Florida); Brandon McCullough (Livonia, Michigan), Rob Donovic (Deployed); Jim Jolly (Livonia, Michigan); Laura Toy (Livonia, Michigan); Scott Bahr (Livonia, Michigan); and President Kathleen McIntyre (Livonia, Michigan). Absent: None.

Elected and appointed officials present: Mark Taormina, Director of Planning and Economic Development; Todd Zilincik, City Engineer; Paul Bernier, City Attorney; Susan M. Nash, City Clerk; Lynda Scheel, Treasurer; Curtis Caid, Chief of Police; Denise Maier, Director of Human Resources; LaShawn Thomas, Director of Governmental Affairs; Sara Kasprowicz, Administrator of Council Office; Casey O'Neil, Director of Information Systems; and Dave Varga, Director of Administrative Services.

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

#01-21 RESOLVED, that the revised minutes of the 1909th Regular Meeting of the Council held November 16, 2020 are approved as presented.

On a motion by White, supported by Jolly, and unanimously adopted, it was:

#02-21 RESOLVED, that the minutes of the 1,911th Regular Meeting of Council held December 14, 2020 are approved as presented.

Councilmember Jolly announced the retirees for the month of December, those being Thomas Blauvelt, Senior Police Officer, serving twenty-five years for the City of Livonia; and Stanley Kotlarczyk, Maintenance Mechanic, serving twenty-nine years; and Vicki Wuerth, Personnel Clerk, serving twenty years in the Civil Service Department and wished them well on their retirement.

Vice President Bahr asked that the last item on the Consent Agenda, Item 12, be removed from the Consent Agenda and be placed after Item 14 on the Regular Agenda.

Councilmember Toy congratulated President McIntyre's son Patrick on his acceptance into both Michigan State University and Xavier.

President McIntyre wished a Happy 101st birthday to Alice Hosback, an outstanding resident of Silver Village.

Councilmember White, as Parliamentarian of Council, reviewed the rules for Audience Communication.

During Audience Communication Connie Dickey discussed the protestors at Planned Parenthood and discussion was held regarding Ordinance violations.

A communication from the Office of the Mayor, dated January 7, 2021, re: forwarding the Annual Report for the Fiscal Year 2019-2020, which reflect the finances and administrative activities in the City, was received and placed on file for the information of the Council.

On a motion by Jolly, supported by McCullough, it was:

#03-21 RESOLVED, that having considered the request of Council President Kathleen E. McIntyre, at the Study Meeting held January 6, 2021, the Council does hereby refer the subject matter of a proposed amendment to the Livonia Code of Ordinances to require that 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, to the Law and Education Committee for its report and recommendation.

A communication from the Office of the City Clerk, attaching a communication from Scott T. Vandemergel, Director of Assessment & Equalization, with the appropriate 2020 Tax Rate Request Form (L-4029), requesting that the City collect the appropriate tax levy for the Wayne County Art Institute Authority (WCAIA) as a winter tax, was received and placed on file for the information of the Council.

A communication from the Office of the City Clerk, attaching a communication from Maseer Rabbaig, Treasurer for the Wayne County Zoological Authority (WCZA), with the appropriate 2020 Tax Rate Request Form (L-4029), requesting that the City collect the appropriate tax levy for the Wayne County Zoological Authority as a winter tax, was received and placed on file for the information of the Council.

A communication from the Office of the City Clerk, attaching a communication Rebecca Franchock, Chief of Finance for Wayne County, with the appropriate 2020 Tax Rate Request Form (L-4029), requesting that the City collect the appropriate tax levy for the Huron Clinton Metropolitan Authority as a winter tax, was received and placed on file for the information of the Council.

#04-21 RESOLVED, that having considered a communication from the Human Resources Director, dated December 2, 2020, which bears the signatures of the Director of Finance and the City Attorney, and is approved for submission by the Mayor, transmitting a resolution adopted by the Civil Service Commission at its regular meeting of November 18, 2020, recommending salary and fringe benefit adjustments for the classifications of Fire Chief and Deputy Fire Chief for the period December 1, 2018 through November 30, 2021, the Council does hereby concur in the recommendation of the Civil Service Commission and the salary and benefit adjustments for the classifications of Fire Chief and Deputy Fire Chief are hereby approved for the period December 1, 2018 through November 30, 2021 as set forth in the memorandum dated November 12,

2020 from Denise C. Maier, Human Resources Director, which is attached to the aforesaid communication.

#05-21 RESOLVED, that having considered a communication from the Assessor, dated December 3, 2020, which bears the signature of the Director of Finance and is approved for submission by the Mayor, and in accordance with Chapter VIII, Section 6 of the Charter of the City of Livonia, the Council does hereby determine to approve the following dates for the Board of Review to conduct Public Hearings in 2021, which Public Hearings are to be conducted in the conference room of the City Assessor on the first floor of the Livonia City Hall, 33000 Civic Center Drive, Livonia, Michigan 48154:

Tuesday	March 2, 2021	Organizational Meeting	9:00 a.m.
Monday	March 8, 2021	9:00 a.m. – 12:00 p.m.	1:30 p.m. – 4:00 p.m.
Tuesday	March 9, 2021	9:00 a.m. - 12:00 p.m.	1:30 p.m. - 4:00 p.m.
Wednesday	March 10, 2021	5:00 p.m. - 9:00 p.m.	
Thursday	March 11, 2021	9:00 a.m. - 12:00 p.m.	1:30 p.m. - 4:00 p.m.
Friday	March 12, 2021	9:00 a.m. - 12:00 p.m.	1:30 p.m. - 4:00 p.m.
Monday	March 15, 2021	9:00 a.m. - 12:00 p.m.	

FURTHER, the Council does hereby determine that the daily rate of compensation to be paid to the members of the Board of Review shall be \$120.00 for the Chairperson and \$100.00 for other members.

Pursuant to Public Act No. 165, Public Acts of 1971, we hereby give notice that the following tentative ratios and multipliers will be used to determine the State Equalized Value (S.E.V.) for the year 2021:

<u>CLASS</u>	<u>RATIO</u>	<u>S.E.V. FACTOR (MULTIPLIER)</u>
Agricultural	50.00	1.0000
Commercial	50.00	1.0000
Industrial	50.00	1.0000
Residential	50.00	1.0000
Personal	50.00	1.0000

#06-21 RESOLVED, that having considered the report and recommendation of the Director of Parks and Recreation, dated December 21, 2020, which bears the signature of the Director of Finance and is approved for submission by the Mayor, the Council does hereby authorize the purchase and installation of Robbins Pulastic Classic 60 MAC Gym Flooring at the Jack E. Kirksey Recreation Center, to replace the existing MAC Gym Flooring, utilizing the Sourcewell Purchasing Program (formerly NJPA), which was awarded to Foster Specialty Floors, 30681 Wixom Road, PO Box 930382, Wixom, MI 48393 (under Contract No: 160518-RBI), for a total amount not to exceed \$116,589.50;

FURTHER, an amount not to exceed \$116,589.50 is hereby authorized to be expended from Account No. 208-755-976-000 for this purpose; FURTHER, the Council does hereby determine to authorize this purchase without competitive bidding inasmuch as the same is based upon the low Sourcwell bid price (under Contract No. 160518-RBI) and Foster Specialty Floors is the only authorized and qualified Robbins Sport Surfaces installer in Michigan, and such action is taken in accordance with the provisions set forth in Section 3.04.140.D.3 of the Livonia Code of Ordinances, as amended.

#07-21 RESOLVED, that having considered the report and recommendation of the Information Systems Director, dated December 1, 2020, 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) Dell Powerstore 1000T San Storage System, to include installation, support and a 5-year warranty, for use in the City Hall Data Center to increase storage system capacity, from Dell Technologies, One Dell Way, Mail Stop 8129, Round Rock, TX 78682, in a total amount not to exceed \$71,038.93; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$71,038.93 from funds already budgeted in Account No. 101-915-982-000, for this purpose; FURTHER, the Council does hereby authorize said purchase without competitive bidding inasmuch as the same is being purchased through the State of Michigan approved Midwest Higher Education Contract (MHEC) and such action is taken in accordance with the provisions set forth in Section 3.04.140D4 of the Livonia Code of Ordinances, as amended; 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 company and to do all other things necessary or incidental to the full performance of this resolution.

#08-21 RESOLVED, that having considered the report and recommendation of the Information Systems Director, dated December 1, 2020, 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) Dell Data Domain DD6900, to include installation, support and a 5-year warranty, for use in the City Hall Data Center to increase backup storage system capacity, from Dell Technologies, One Dell Way, Mail Stop 8129, Round Rock, TX 78682, in a total amount not to exceed \$108,675.12; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$108,675.12 from funds already budgeted in Account No. 101-915-982-000, for this purpose; FURTHER, the Council does hereby authorize said purchase without competitive bidding inasmuch as the same is being purchased through the State of Michigan approved Midwest Higher Education Contract (MHEC) and such action is taken in accordance with the provisions set forth in Section 3.04.140D4 of the Livonia Code of Ordinances, as amended; 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 company and to do all other things necessary or incidental to the full performance of this resolution.

#09-21 RESOLVED, that Belaggio Homes, Inc., as proprietor, having requested the City Council approve the proposed 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 (31670 Seven Mile Road) (hereafter the "Condominium"), and it further appearing that approval of the site plan for the Condominium was given by the City Planning Commission on August 18, 2020, and by the City Council on September 21, 2020, and it further appearing that such site plan, together with Development Plans and Specifications for Improvements, have been examined and approved by the Department of Public Works as set forth in the report of that Department dated December 18, 2020; and the City Council having approved the Master Deed on September 21, 2020, in Council Resolution 272-20; therefore, the City Council does hereby establish the following requirements:

- (1) All of the improvements, utilities and grading shall be constructed, installed and accomplished in conformity with the provisions of the ordinances of the City of Livonia, and the regulations and specifications of the Department of Public Works and the Development Plans submitted by the proprietor and approved by such Department; all such improvements to be constructed, installed, accomplished and completed within a period of two (2) years from the effective date of this resolution; failing this, the approval contained herein shall be considered null, void and of no effect whatsoever;
- (2) That all inspection fees and other charges due to the City of Livonia shall be fully paid at the time and in the manner provided in the said ordinance provisions;
- (3) That the installation of all such improvements shall be subject at all times to the supervision and inspection and final approval of the Department of Public Works, and such improvements shall not be considered as having been satisfactorily and completely installed until there is filed with the City Council the certificate as provided in such ordinance provisions;
- (4) That the proprietor enter into an agreement with the City of Livonia agreeing to construct, within the prescribed period of time and in the prescribed manner, all improvements required to the extent required by the City of Livonia and as shown on the approved Development Plans;

- (5) That as a condition of obtaining final approval of the Master Deed prior to the completion of all required improvements, the proprietor shall file with the City of Livonia a corporate surety bond, certified check, cash bond, irrevocable letter of credit, or other financial assurance in such form as may be approved by the Department of Law guaranteeing the satisfactory installation of all such improvements, utilities and grading by the proprietor within the prescribed period in the following amounts:
- (a) General Improvement Bond \$ 95,466.00, of which at least
\$ 9,547.00 shall be in cash
 - (b) Sidewalk Bond \$ 3,300.00, of which at least
\$ 330.00 shall be in cash
 - (c) Grade & Soil Erosion Control Bond Not Applicable
 - (d) Entrance Markers/Landscaping Not Applicable
 - (e) Monuments and Markers Bond \$ 250.00 (all cash)
 - (f) As-Built Drawings Bond \$ 4,000.00 (all cash)
- and require cash payments in addition to the above amounts, in the total amount of \$14,127.00;
- (6) That all required cash deposits, certified checks, irrevocable bank letters of credit and/or surety bonds which shall be established by the City Engineer pursuant to Article XVIII of Ordinance No. 543, Section 18.66 of the ordinance, shall be deposited with the City prior to the issuance of engineering permits for this site condominium development; and
- (7) That the distribution lines for telephones and electric service are to be placed underground and ornamental streetlights are to be provided throughout the Condominium in accordance with City ordinances.

#10-21 RESOLVED, that having considered a communication from the City Engineer, dated December 16, 2020, approved by the Director of Public Works and the City Attorney, and approved for submission by the Mayor, to which is attached a communication from Juli Sala, PE, Licensed Civil Engineer, Anderson, Eckstein & Westrick, Inc., dated August 19, 2020, on behalf of the owner, Botsford General Hospital, wherein a request is submitted to vacate the public utility easement within the 18th St. Development located at 39000 Seven Mile Road, the Council does

hereby refer this item to the City Planning Commission for action and recommendation in accordance with provisions of Law and City Ordinance.

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

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

NAYS: None

The President declared the resolutions adopted.

White gave first reading to the following Ordinance:

AN ORDINANCE VACATING THE USE OF PORTIONS OF STREET, ALLEY AND PUBLIC GROUND. (Petition 2020-09-03-04)

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.

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

AN ORDINANCE AMENDING SECTION 14 OF THE ZONING MAP OF THE CITY OF LIVONIA AND AMENDING ARTICLE III OF ORDINANCE NO. 543, AS AMENDED, KNOWN AND CITED AS "THE CITY OF LIVONIA ZONING ORDINANCE" BY ADDING SECTION 3._____ THERETO. (Petition 2020-07-01-04)

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

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

NAYS: None

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

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

#11-21 RESOLVED, that having considered a communication from the City Planning Commission, dated December 16, 2020, which transmits its resolution #12-61-2020, adopted on December 15, 2020, with regard to 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 ¼ of Section 24, the Council does hereby concur in the recommendation of the Planning Commission and Petition 2020-11-08-07 is hereby approved and granted, subject to the following conditions:

1. That the Site Plan identified as Sheet 03, dated November 17, 2020, prepared by Michael L. Priest & Associates, Inc., is hereby approved and shall be adhered to.
2. That the issues as outlined in the correspondence dated December 7, 2020, from the Fire Marshal shall be resolved to the satisfaction of the Livonia Fire and Rescue Division.
3. That the Landscape Planting Plan identified as L-1 and the Landscape Notes & Details identified as L-2, both dated November 19, 2020 as revised, prepared by Nagy Devlin Land Design., are hereby approved and shall be adhered to.
4. That streetlights and sidewalks shall be installed throughout the development to the satisfaction of the Engineering Department.
5. That the condominium Master Deed and Bylaws comply with the requirements of the Subdivision Control Ordinance, Title 16, Chapter 16.04-16.40 of the Livonia Code of Ordinance, and Article XX, Section 20.01-20.06 of Zoning Ordinance #543.
6. That Section 6.7 Garages of the Bylaws shall be modified to include front entries where applicable.
7. That the brick used in the construction of each condominium unit shall be full face four-inch (4") brick.
8. In the event of a conflict between the provisions set forth in the Master Deed and bylaws, and the requirements set forth in the City of Livonia Zoning Ordinance No. 543, as amended, the Zoning Ordinance requirements shall prevail, and petitioner shall comply with the Zoning Ordinance requirements.

9. That the petitioner shall include language in the Master Deed and bylaws or a separate recordable instrument wherein the condominium association shall reimburse the City of Livonia for any maintenance or repair costs incurred for the storm water detention/retention and outlet facilities, and giving the City of Livonia the right to impose liens on each lot owner's property pro rata and place said charges on their real estate tax bills in the event said charges are not paid by the condominium association (or each lot owner) within thirty (30) days of billing for the City of Livonia.
10. That all required cash deposits, certified checks, irrevocable bank letters of credit and/or surety bonds which shall be established by the City Engineer pursuant to Article XVIII of Ordinance No. 543, Section 18.66 of the ordinance, shall be deposited with the City prior to the issuance of engineering permits for this site condominium development.
11. That only a conforming entrance marker is approved with this petition, and any additional signage shall be separately submitted for review and approval by the Zoning Board of Appeals; and
12. Pursuant to Section 19.10 of Ordinance #543, the Zoning Ordinance of the City of Livonia, this approval is valid for a period of one year only from the date of approval by City Council, and unless a building permit is obtained, this approval shall be null and void at the expiration of said period.

On a motion by Toy, supported by Jolly, and unanimously adopted, it was:

#12-21 RESOLVED, that having considered a communication from the City Planning Commission, dated November 12, 2020, which sets forth its resolution #11-58-2020, adopted on November 10, 2020, with regard to Petition 2020-09-06-02, submitted by the City Planning Commission, pursuant to Section 23.01(b) of the Livonia Zoning Ordinance #543, as amended, to determine whether or not to amend Article XXXI – NP District Regulations, of the City of Livonia Zoning Ordinance No. 543, as amended, to expand the list of permitted uses under Section 31.03 to include beneficial forest management practices, such as the removal of invasive species, and selective trail construction in accordance with the City's Master Parks and Recreation Plan and nonmotorized transportation plan, Livonia Bike Walk, and the Council having conducted a public hearing with regard to this matter on Wednesday, December 16, 2020, the Council does hereby approve Petition 2020-09-06-02 for preparation of the ordinance for submission to Council; and the Department of Law is requested to prepare an ordinance amending Ordinance 543, as amended, in accordance with this resolution.

On a motion by Jolly, supported by Toy, and unanimously adopted, it was:

#13-21 RESOLVED, that having considered the report and recommendation of the Department of Law, dated December 14, 2020, submitted pursuant to Council Resolution No. 349-20, regarding a proposed ordinance amendment prohibiting on-street parking during the period of bulk leaf pickup, the Council does hereby determine to take no further action with regard to this matter.

On a motion by Bahr, supported by Toy, it was:

#14-21 RESOLVED, that having considered a communication from the City Planning Commission, dated December 16, 2020, approved for submission by the Mayor, which transmits its resolution #12-60-2020, adopted on December 15, 2020, with regard to 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 ¼ of Section 25, the Council does hereby concur in the recommendation made by the City Planning Commission and Petition 2020-11-02-10 is hereby approved and granted, subject to the following conditions:

1. That the Overall Site Plan identified as Sheet No. C01, dated November 5, 2020, as revised, prepared by Atwell, is hereby approved, and shall be adhered to.
2. That the Landscape Plan identified as Sheet No. C04, dated November 5, 2020, as revised, prepared by Atwell, is hereby approved, and shall be adhered to, except that a plan for replacing the trees and other plant materials along the site's frontage on Middlebelt Road shall be incorporated as part of Phase 1 of the development and submitted to the Planning Department for review and approval, and shall be completed prior to occupancy of the Chick-fil-A restaurant.
3. That all disturbed lawn areas shall be sodded in lieu of hydroseeding.
4. That underground sprinklers are to be provided for all landscaped and sodded areas and all planted materials shall be installed to the satisfaction of the Inspection Department and thereafter permanently maintained in a healthy condition.

5. That the Exterior Elevations for the Chick-fil-A restaurant, as received by the Planning Commission and date stamped November 9, 2020, are hereby approved, and shall be adhered to.
6. That the Retail 1 – Elevations Plan identified as Drawing No. SD03, prepared by NORR, as received by the Planning Commission and date stamped November 9, 2020, is hereby approved, and shall be adhered to.
7. That the Retail 2 – Elevations Plan identified as Drawing No. SD04, prepared by NORR, as received by the Planning Commission and date stamped November 9, 2020, is hereby approved, and shall be adhered to.
8. That all rooftop mechanical equipment shall be concealed from public view on all sides by screening that shall be of a compatible character, material, and color to other exterior materials on the building.
9. That no less than six (6) weeks prior to the scheduled opening of the Chick-fil-A restaurant, the Petitioner shall submit to the Department of Public Safety Traffic Bureau for its review and approval details of how traffic will be managed, both on- and off-site, during the times when the stacking capacity of the drive-thru lanes is exceeded or when undue traffic congestion is occurring on the adjacent public thoroughfares, and provided further the Petitioner shall enter into a signed contract with the Livonia Police Department to provide necessary traffic control assistance as determined by the Police Department.
10. That all traffic improvements, including additions or modifications to the traffic signals, approach geometrics, or traffic lanes, as deemed necessary by either Wayne County or the Michigan Department of Transportation (MDOT) to mitigate the traffic impacts of the project, shall be completed prior to the issuance of Certificate of Occupancy.
11. That the three walls of the trash dumpster areas shall be constructed out of building materials that shall complement that of the buildings. The enclosure gates shall be of solid panel steel construction or durable, long-lasting solid panel fiberglass.
12. That the proposed construction shall meet the Wayne County Stormwater Ordinance, including detention requirements, and the Petitioner shall secure all required permits, including soil erosion

and sedimentation control.

13. That all new pole-mounted light fixtures shall not exceed a height of twenty feet (20') and shall be aimed and shielded to minimize stray light trespassing across property lines and glaring into adjacent roadways.
14. That this approval is subject to the petitioner being granted a variance from the Zoning Board of Appeals for deficient parking and any conditions related thereto.
15. That any future drive-thru restaurant in Retail 1 shall require waiver use approval.
16. That only conforming signage is approved with this petition, and any additional signage shall be separately submitted for review and approval by the Zoning Board of Appeals.
17. That no LED lightband or exposed neon shall be permitted on this site including, but not limited to, the building or around the windows.
18. That the specific plans referenced in this approving resolution shall be submitted to the Inspection Department at the time the building permits are applied for; and
19. Pursuant to Section 19.10 of Ordinance #543, the Zoning Ordinance of the City of Livonia, this approval is valid for a period of one (1) year only from the date of approval by City Council, and unless a building permit is obtained, this approval shall be null and void at the expiration of said period.

The following Audience members spoke on this Agenda Item:

Matt & Allison Knopsnider
Sarah Overwater

Following discussion by Council with the Petitioners, their experts, and Chief Caid, a roll call vote was taken on the foregoing resolution with the following result:

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

NAYS: White

The President declared the resolution adopted.

On a motion by Toy, supported by Jolly, and unanimously adopted, it

was:

#15-21 RESOLVED, that having considered a communication from the Department of Law, dated December 18, 2020, approved for submission by the Mayor, transmitting for Council acceptance of a Grant of Easement executed by Carolyn Wilson, Its Executive Vice President & Chief Operating Officer, for a public utility easement in connection with the construction of a water main at the subject location in the Southeast 1/4 of Section 6, more particularly described as:

Part of the S.E. ¼ of Section 6, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, being described as:

A permanent variable width water main easement being described as commencing at the Southwest Corner of Section 6; thence N 81°53'21" W, 0.61 feet to the historical location of the Southwest Corner of said Section 6; thence S 88°14'49" E, 947.38 feet along the South Line of Section 6; thence N 01°45'11" E, 60.00 feet to the northerly right-of-way line of Seven Mile Road (120.00 feet wide); thence S 88°14'49" E, 234.08 feet along the northerly right of way line of Seven Mile Road the point of beginning of a 20 feet wide permanent water main easement lying 10 feet each side of the following described centerline; thence N 01°26'22" E, 178.44 feet; thence N 62°13'32" E, 88.65 feet; thence N 37°44'14" E 118.23 feet; thence N 52°15'46" W, 13.41 feet; thence N 29°55'27" W, 17.00 feet; thence S 29°55'27" E, 17.00 feet; thence S 52°15'46" W, 13.41 feet; thence N 37°44'14" E, 7.77 feet to the point of ending of this described centerline and the point of beginning of a permanent 12.00 feet wide water main easement, lying 6.00 feet each side of the following described centerline; thence N 37°44'14" E, 22.22 feet; thence northeasterly along a non-tangent curve, concave to the northeast, having a central angle of 18°23'48", a radius of 1017.50 feet, an arc distance of 326.70 feet and whose chord bears N 40°14'48" E, 325.30 feet; thence N 31°02'54" E, 151.25 feet; thence northeasterly along a tangent curve, concave to the northwest, having a central angle of 20°17'46", a radius of 481.00 feet, an arc distance of 170.39 feet and whose chord bears N 25°13'25" E, 169.50 feet; thence N 15°04'32" E 91.46 feet; thence N 74°55'28" W, 40.00 feet; thence S 74°55'28" E, 40.0 feet; thence N 15°04'32" E, 123.84 feet to the point of ending of this described centerline and the point of beginning of a 20.00 feet wide water main easement lying 10.00 feet each side of the following centerline; thence N 75°13'08" W, 29.00 feet; thence S 75°13'08" E, 29.00 feet to the point of ending of this described centerline and the point of beginning of a 12.00 feet water main easement, lying 6.00 feet each side of the following described centerline; thence N 15°04'32" E, 99.75 feet; thence northerly along a tangent curve, concave to the west, having a central angle of 13°01'16", a radius of

481.00 feet, an arc distance of 109.31 feet and whose chord bears N 08°33'54" E, 109.08 feet; thence N 02°03'16" E, 194.12 feet; thence N 36°35'04" W, 61.00 feet to the point of ending of this described centerline.

The Council does hereby, for and on behalf of the City of Livonia, accept the aforesaid Grant of Easement and the City Clerk is hereby requested to have the same recorded in the Office of the Register of Deeds and to do all other things necessary or incidental to fulfill the purpose of this resolution.

On a motion by Jolly, supported by Toy, and unanimously adopted, it

was:

#16-21 RESOLVED, that having considered a communication from the Human Resources Director, dated January 6, 2020, which bears the signature of the Director of Finance and is approved for submission by the Mayor, and which sets forth resolution 20-142, adopted by the Civil Service Commission on December 22, 2020, wherein it is recommended that the proposed 2020-2023 Collective Bargaining Agreement between the City of Livonia and the Livonia Police Officers Association (LPOA), as summarized in the tentative agreement attached to the aforesaid communication, be approved and adopted so as to effectuate the provisions set forth in the aforesaid agreement for the period December 1, 2020 through November 30, 2023, the Council does hereby approve of and concur in the aforesaid action of the Civil Service Commission; and the Mayor and City Clerk are hereby requested to affix their signatures to the said agreement, for and on behalf of the City of Livonia, and to do all other things necessary or incidental to the full performance of this resolution.

On a motion by Toy, supported by Donovic, and unanimously adopted, it

was:

#17-21 WHEREAS, the novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death and can be spread from person to person. On March 10, 2020, Governor Gretchen Whitmer declared a state of emergency across the State of Michigan under Section 1 of Article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945PA 302, as amended, MCL 10.31 et seq. as a result of the dangers associated with COVID-19. Further, pursuant to MCL 333.2221 and MCL 333.226(d), the Director of the Michigan Department of Health and Human Services (MDHHS) has subsequently promulgated rules designed to safeguard

public health and prevent the spread of the disease and the existence of sources of contamination.

WHEREAS, the Mayor and the City Council recognize the emergency pursuant to MCL 30.410 and the threat that it poses to the local economy in general and the dining and hospitality industry in particular.

WHEREAS, pursuant to various Executive Orders issued by the Governor and orders of the Director of the Michigan Department of Health and Human Services (collectively, "Executive Orders"), dine-in restaurants were ordered to be closed for dine-in business and/or ordered to significantly reduce dine-in seating. These orders that were designed to prevent the spread of COVID-19 have put an enormous strain on local restaurants, their employees, and the public.

THEREFORE BE IT RESOLVED, that to assist local restaurants, the City of Livonia, through the Mayor and City Council, any existing full or limited service restaurant with indoor dining that exceeds twelve (12) customer seats is allowed under this Joint Declaration and Resolution to submit a request to the City of Livonia Department of Inspection to temporarily add or expand an existing outdoor dining area. The Director of the Department of Inspection (Director) or any of his duly authorized assistants, together with the City of Livonia Planning Department and Department of Public Safety, shall review an application for a temporary outdoor dining area to ensure compliance with the following items and with any other applicable code or measure deemed necessary to ensure the health, safety and welfare of the public, including patrons and employees and the community as a whole. An application shall be accompanied with plans and drawings with information and details as specified below including the appropriate review and inspection fees. Upon review of an application, the Director of the Department of Inspection shall determine whether to issue the required building, mechanical and occupancy permits for a temporary outdoor dining area. Authorization of a temporary outdoor dining area under this Resolution, with or without an allowance for the sale of alcoholic beverages for consumption on the premises as may be approved by the Michigan Liquor Control Commission (MLCC), shall temporarily waive the requirements for such use or uses as provided for under the City of Livonia Zoning Ordinance No. 543, as amended, and any and all permits granted under this Resolution shall continue so long as an active Executive Order imposes seating and distancing limitations on these establishments.

The following standards for a temporary outdoor dining area shall apply and the application for such use shall include the following information:

1. The location and size of the proposed temporary outdoor dining area in relation to parking and traffic circulation, both on and off the premises, and to streets giving access to it. The layout shall be

such that traffic to and from the use, and the assembly of persons in connection therewith, will not be hazardous or inconvenient nor unduly conflict with normal traffic flow. In applying this standard, the Director shall consider, among other things, convenient routes for pedestrian traffic, the relationship of the proposed temporary outdoor dining area to main traffic thoroughfares, vehicular turning movements, and the location and access of off-street parking.

2. The location and size of the proposed temporary outdoor dining area in relation to existing buildings, structures, or other features located on or off the premises, including paths of ingress and egress to such areas. That the capacity for outdoor dining shall not exceed one-half ($\frac{1}{2}$) of the allowable indoor seating pursuant to Executive Order.
3. Provisions for adequate lighting, ventilation, electrical, and fire safety.
4. Provisions for adequate off-street parking.
5. The arrangement, location and spacing of the outdoor seating taking into consideration proper social distancing requirements.
6. The location of any temporary hostess stands, waitstaff stands, restrooms, and consumer gathering areas taking into consideration proper social distancing requirements.
7. The limits of an outdoor dining area shall be properly delineated using either a temporary structure (i.e., open-sided tent and/or canopy), or by other means such as temporary bollards, fencing, landscaping, etc.
8. Where a liquor license issued by the MLCC allows for the consumption of alcohol on the premises, the temporary outdoor dining area shall be fully enclosed with temporary fencing as approved by the Director and shall be properly secured and equipped with gates or other approved openings to allow for emergency egress.
9. The consumption of all food and alcohol shall be restricted to within the building and the approved limits of the temporary outdoor dining patio.
10. The plans shall include adequate provisions for the collection and containment of all refuse.

11. Outdoor sound or video equipment, including televisions, live music, or entertainment, shall be prohibited in connection with a temporary outdoor dining area allowed under this Joint Declaration and Resolution.
12. All temporary outdoor dining areas allowed under this Joint Declaration and Resolution shall promptly close no later than 10:00 p.m. and shall remain closed for business until no earlier than 8:00 a.m. the following morning. This Joint Declaration and Resolution does not waive the City of Livonia noise ordinance.
13. Stormwater and natural drainage flow shall not be impeded.
14. Smoking in any part of an approved temporary outdoor dining area is strictly prohibited.

BE IT FURTHER RESOLVED, that temporary permits pursuant to this Joint Declaration and Resolution confer no vested rights or conforming use status and are revocable immediately upon the detection of any violation of law or MLCC regulation in connection with operations pursuant to this resolution. Any investments made in pursuit of operations pursuant to this resolution are made purely at the investor's risk. This Joint Declaration and Resolution shall continue so long as an active Executive Order of the Governor or the Director of the Department of Health and Human Services imposes seating and distancing limitations on these establishments.

During Audience Communication Amanda Carravallah discussed her belief that Livonia Police target black drivers.

Sarah Overwater requested that a Community Review Board be put in place for the Livonia Police Department.

On a motion by Bahr, supported by McCullough, and unanimously adopted, this 1,912th Regular Meeting of the Council of the City of Livonia was adjourned at 10:36 p.m. on January 13, 2021.

Susan M. Nash, City Clerk