

MINUTES OF THE ONE THOUSAND NINE HUNDRED SEVENTY SIXTH**REGULAR MEETING SEPTEMBER 6, 2023**

On September 6, 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 Councilmember Donovic, seconded by Councilmember McCullough, and unanimously adopted, it was:

#266-23 RESOLVED, that the Minutes of the 1,975th Regular Meeting of the Council held August 21, 2023 are approved as presented.

Carrie Budzinski, 9345 California Street, spoke on behalf of the Library Commission and their One City, One Book program.

Paul Condon, 31115 Holbrook, spoke about the St. Mary Festival and thanked them for following through with the monitoring of noise levels during the festival.

Stephen Ray, 31041 Six Mile Road, recently moved to Livonia and had a very pleasant experience with the Building Department, Assessor's Office and the Officer at the reception desk when visiting City Hall.

Councilmember Bahr wished his son a happy 13th birthday. He also thanked Mr. Condon and Mr. Ray for their positive comments.

Councilmember McCullough announced the second Tour De Livonia and the Corn Roast to be held on September 17, 2023. Also, the Livonia Hockey Association has a Livonia Free day on Sunday, September 10, 2023.

Councilmember McIntyre announced the City of Livonia retirees for the month of August. She spoke about two Scout Troops out of St. Priscilla's and the Kindness Club which is run by a local resident.

Suicide Prevention information was shared by Brian Galdes.

President Jolly wished his wife, Katie, a happy birthday, and a happy anniversary.

Mayor Brosnan spoke about the Suicide Prevention presentation, the Leisure Services Program we participate in with the City of Canton. She also introduced Livonia's new Library Director, Kristen Edson.

Kristen Edson, Livonia Library Director, spoke about her new position.

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

#267-23 RESOLVED, that upon the motion by Councilmember Kathleen McIntyre, seconded by Council Vice President Laura Toy, at the Regular Meeting held September 6, 2023, the Council does hereby refer the subject matter of Parks and Recreation offering exercise classes and other programming to children with challenges to the Senior Citizens, Families and Environment Committee for its report and recommendation.

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

#268-23 RESOLVED, that upon the motion by Council Vice President Laura Toy, seconded by Councilmember Rob Donovic, at the Regular Meeting held September 6, 2023, the Council does hereby refer the subject matter of the new Senior Citizen Center to the Committee of the Whole for its report and recommendation.

A communication from the Department of Finance, dated August 8, 2023, re: forwarding the Departmental Purchases Report for the month ending July 31, 2023, was received and placed on file for the information of the Council.

A communication from the Department of Finance, dated August 8, 2023, re: forwarding various financial statements of the City of Livonia for the month ending June 30, 2023.

On a motion by Vice President Toy, seconded by Councilmember Donovan, it was:

#269-23 RESOLVED, that having considered a communication from Kevin Murphy, Athletic Director, Clarenceville High School, dated July 31, 2023, the Council does hereby approve and recognize the Clarenceville High School homecoming parade to be held on Friday, September 29, 2023, beginning at 6:15 p.m.; FURTHER, the Council does hereby approve the parade route as follows:

Exit the west driveway of Botsford Elementary and travel north on Brentwood to Pembroke, west on Pembroke to Weyher, south on Weyher to St. Martins, west on St. Martins to Parkville, north on Parkville to Bretton, west on Bretton to Middlebelt; and north on Middlebelt to the Clarenceville Middle School parking lot

FURTHER, the Council does hereby request that the Wayne County Department of Public Services allow the City of Livonia to close the necessary roads between the hours of 6:00 p.m. and 8:00 p.m. or until the roads are returned to normal traffic operation; that the City of Livonia will assume liability for any damage claims which may arise as a result of the road closure, as to Wayne County only; and that Senior Police Officer Michael Arakelian is hereby designated and authorized to sign the road closure permit on behalf of the City of Livonia upon proof that the Board of Education of Clarenceville School District has adopted a resolution assuming liability for any damage claims which may arise as a result of the road closure, as to Wayne County and the City of Livonia only.

#270-23 RESOLVED, that having considered an application from Krista Leavens, dated July 26, 2023, requesting permission to close Grandon Street between Harrison and Brentwood Streets on Saturday, September 16, 2023, from 3:00 p.m. until 10:00 p.m., for the purpose of conducting a block party with bounce house, barbecue and kid games, the Council does hereby grant permission as requested, the action taken herein being made subject to the approval of the Police Department.

#271-23 RESOLVED, that having considered a communication from the City Planning Commission, dated July 31, 2023, which transmits its resolution #07-51-2023, adopted on July 25, 2023, with regard to Petition

2023-06-08-05 submitted by The Blain Group, requesting to install an array of ground-mounted solar panels in the parking lot of the Cambridge Office Center at 38777 Six Mile Road, located on the south side of Six Mile Road between the I-275/96 Expressway and Haggerty Road in the Northwest ¼ of Section 18, the Council does hereby concur in the recommendation of the Planning Commission and Petition 2023-06-08-05 is hereby approved and granted, subject to the following conditions:

1. This approval is subject to the City Council waiving the requirement of Section 7.25(1)(B), which limits the total system production to 10kW;
2. The drawing entitled "Site Plan with Solar Array Location," identified as Sheet No. S-1, dated July 19, 2023, prepared by James Blain Associates, is hereby approved and shall be adhered to;
3. The array of ground-mounted solar panels must be fully enclosed with fencing and protected with bollard posts as shown on the above-referenced plan, with the type and height of fencing subject to the approval of the Inspection Department;
4. The Petitioner shall submit for approval by the Inspection Department, an ongoing maintenance program for the existing asphalt within the fenced-in confines of the solar panels;
5. In accordance with Sections 7.25(1)(C) and 7.25(1)(D) of the Livonia Zoning Ordinance, the building permit application for the solar energy system shall include a performance guarantee and proof of sufficient property damage and liability insurance;
6. In accordance with Section 7.25(1)(B)(iii) of the Livonia Zoning Ordinance, the petitioner shall work with the Planning and Inspections Departments to provide appropriate landscape screening of the racking and framing of the panels;
7. The petitioner shall ensure that the parking lot shall be repaired, as necessary to the satisfaction of the Inspection Department;
8. A gate shall be installed in the fencing around the panels to allow service vehicles to gain access to the area to maintain the pavement and landscaping;
9. That the specific plan referenced in this approving resolution shall be submitted to the Inspection Department at the time permits are applied for; and

10. Pursuant to Section 13.13 of the Livonia Zoning Ordinance, this approval is valid for a period of one (1) year only from the date of approval by City Council, and unless a permit is obtained, this approval shall be null and void at the expiration of said period.

#272-23 RESOLVED, that having considered a communication from the City Planning Commission, dated July 31, 2023, which transmits its resolution #07-51-2023, adopted on July 25, 2023, with regard to Petition 2023-06-08-05 submitted by The Blain Group, requesting to install an array of ground-mounted solar panels in the parking lot of the Cambridge Office Center at 38777 Six Mile Road, located on the south side of Six Mile Road between the I-275/96 Expressway and Haggerty Road in the Northwest ¼ of Section 18, the Council does hereby waive Section 7.25(1)(b) of the Zoning Ordinance limiting total system production to 10kW.

#273-23 RESOLVED, that having considered the report and recommendation of the Director of Public Works, dated August 4, 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 submitted by Advanced Satellite Communications, Inc. (ASC), 12137 Merriman Road, Livonia, MI 48150 for the purchase and installation of six (6) Avigilon multi-sensor security cameras and one (1) video intercom for the Stark Road entrance to the DPW yard at a cost not to exceed \$39,846.68, and the required electrical service upgrades by RCI Electric, 4999 McCarthy Dr., Milford, MI 48381 (the approved vendor for general electrical services pursuant to CR# 148-22, adopted on May 2, 2022) at a cost not to exceed \$5,350.00, for a total amount not to exceed \$45,196.68; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$45,196.69 from Account No. 401-000-971-000 for this purpose; 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 vendors and to do all other things necessary or incidental to the full performance of this resolution; FURTHER, the Council does hereby authorize such action 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.

#274-23 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, the Director of Finance and the City Attorney, and is approved for submission by the Mayor, the Council does hereby accept the unit price bid of Motor City Fence, 209 South Blvd. E., Rochester Hills, MI 48307 for performing all work required in connection with the DPW fencing replacement project in an amount not to exceed amount of \$98,191.40, based on the Engineering Division's

estimate of units involved, and subject to a final payment based upon the actual units completed in accordance with the unit prices accepted herein, said estimated cost and unit prices having been in fact the second lowest bid received and the lowest fully compliant bid received which meets all specifications; FURTHER, the Council does hereby reject the bid submitted by Complete Fence LLC for the reason that it did not include the required bid bond and was ruled incomplete; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$98,191.40 from funds budgeted in Account No. 401-000-974-000 (Land Improvement) for this purpose; FURTHER, 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; and the Mayor and City Clerk are hereby authorized, for and on behalf of the City of Livonia, to execute a contract, approved as to form and substance by the Department of Law, with the aforesaid bidder and to do all other things necessary or incidental to the full performance of this resolution.

#275-23 RESOLVED, that having considered a communication from the City Engineer, dated August 3, 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 contract amendment to the Engineering contract between the City of Livonia and OHM Advisors, dated August 2, 2023, in connection with the 2023 Transportation Asset Management Plan, the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute a contract amendment between the City of Livonia and OHM Advisors, 34000 Plymouth Road, Livonia, Michigan 48150, for professional engineering services in connection with the 2023 Transportation Asset Management Plan, in an amount not to exceed \$24,900.00; FURTHER, the aforesaid proposal is accepted without competitive bidding through the Qualification Based Selection Process (QBS), 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 \$19,900.00 from funds budgeted in Account No. 204-447-818-119 (Storm Sewer Improvements in Right-of-Way), along with an amount not to exceed \$5,000.00 from budgeted funds in Account No. 101-447-818-005 (Consulting Services) 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.

#276-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated August 2, 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 an Intergovernmental Agreement between the County of Wayne and the City of Livonia for improvements to Wayne Road from Joy Road to Plymouth Road, the Council does hereby approve the proposed Intergovernmental Agreement between the County of Wayne and the City of Livonia; and the Mayor and City Clerk are hereby authorized, for and on behalf of the City of Livonia, to execute the Intergovernmental Agreement in the manner and form herein submitted, subject to approval as to form and substance by the Department of Law; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$150,000.00 from funds budgeted in Account No. 202-463-818-125 (Major Street Fund - City Participation in MDOT and County Projects) and an additional appropriation and expenditure in an amount not to exceed \$15,301.00 from the Unexpended Fund Balance of the Major Road Fund (202) for this purpose; FURTHER, the Council does hereby authorize a Working Capital Advance to the County of Wayne in the amount of \$82,651.00 as fifty percent (50%) of the City of Livonia's participation of the total project cost; and the City Engineer is hereby authorized to approve any 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: McCullough, McIntyre, Toy, Bahr, Donovic, Morgan, and Jolly

NAYS: None

Vice President Toy gave first reading of the following Ordinance:

AN ORDINANCE AMENDING SECTION 3 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 2023-04-01-03)

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.

Vice President Toy took from the table for second reading and adoption, 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)

Councilmember Donovic recused himself due to conflict of interest.

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

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

NAYS: None

The President declared the Ordinance would become effective upon publication.

Councilmember McCullough took from the table for second reading and adoption, 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.

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

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

NAYS: None

The President declared the Ordinance would become effective upon publication.

Thomas Erle, 31545 Pembroke Street spoke about tree trimming.

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

#277-23 RESOLVED, that having considered the report and recommendation of the Director of Public Works, dated August 9, 2023, submitted pursuant to CR #278-15, adopted on September 9, 2015, which bears the signatures of the Director of Finance and the City Attorney, and is approved for submission by the Mayor, in connection with the solid waste/recycling services contract between the City of Livonia and Green for Life Environmental ("GFL"), the Council does hereby approve a one-year extension of the contract with Green For Life Environmental ("GFL"), 26999

Central Park Blvd., Suite 200, Southfield, MI 48076, for providing solid waste collection and recycling services for the City of Livonia, including the transfer, transportation and composting of leaves deposited at the landfill site, commencing December 1, 2023 through November 30, 2024, at the proposed unit costs shown in Attachment A attached to the aforesaid communication, for an estimated annual amount of \$7,446,038.00, to be expended from various accounts contained within the proposed 2023-2024 budget in the Refuse Fund (226); FURTHER, this service shall include utilizing 24 gallon recycle bins with an opt-in option for residents to choose 64 gallon recycle carts, and the Mayor and City Clerk are hereby authorized for and on behalf of the City of Livonia to execute a one-year contract extension with GFL and to do all other things necessary or incidental to the full performance of this resolution.

On a motion by Councilmember McCullough, seconded by Councilmember Donovic, and unanimously adopted, it was:

#278-23 RESOLVED, that having considered a communication from the Assistant Director of Public Works, dated August 10, 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, the Council does hereby accept the bid of Motor City Electric Technologies Inc., 9440 Grinnell Street, Detroit, MI 48213 for performing all work and providing all materials and equipment required in connection with installing a new Supervisory Control and Data Acquisition ("SCADA") system, as outlined in the specifications of the SCADA Design Build Contract, Phase 1, in an amount not to exceed \$1,606,051.00; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$1,606,051.00 from funds budgeted in Account No. 592-559-971-000 for this purpose; and the Mayor and City Clerk are hereby authorized for and on behalf of the City of Livonia to execute a contract, approved as to form and substance by the Department of Law, with Motor City Electric Technologies Inc., and to do all things necessary or incidental to the full performance of this resolution.

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

#279-23 RESOLVED, that having considered a communication from the Assistant Director of Public Works, dated August 10, 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 contract amendment to the Engineering contract between the City of Livonia and OHM Advisors, dated July 28, 2023, in connection with the SCADA Design Build Contract, Phase 1, the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the

City of Livonia, to execute a contract amendment between the City of Livonia and OHM Advisors, 34000 Plymouth Road, Livonia, Michigan 48150, for providing program management and construction engineering and administration services in connection with the SCADA Design Build Contract, Phase 1, in an amount not to exceed \$80,000.00, without prior approval by Council; FURTHER, the aforesaid proposal is accepted without competitive bidding through the Qualification Based Selection Process (QBS), 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 \$80,000.00 from funds budgeted in Account No. 592-559-971-000 for this purpose.

On a motion by Councilmember McIntyre, seconded by Councilmember Morgan, it was:

#280-23 RESOLVED, that having considered a communication from the Director of Homeland Security & Emergency Preparedness, dated August 15, 2023, which bears the signature of the City Attorney, and is approved for submission by the Mayor, to which is attached a proposed Interlocal Agreement between the Oakland County Incident Management Team ("OCIMT") and the City of Livonia, to be a member of the OCIMT and to respond to incidents if called upon to do so, and to take part in overseeing the development and implementation of emergency plans, training programs, and response procedures that help ensure the safety and well-being of communities during planned events as well as natural disasters, terrorist attacks, and other emergencies, the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute the proposed Interlocal Agreement in the manner and form herein submitted, subject to approval 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.

On a motion by Councilmember McIntyre, seconded by Councilmember Morgan, it was:

#281-23 RESOLVED, that having considered a communication from the Director of Finance, dated August 31, 2023, approved for submission by the Mayor, the Council does hereby determine to conduct Finance and Budget Committee meeting on Wednesday, September 20, 2023, at 7:00 p.m., in the 5th Floor Gallery, and a Public Hearing on Wednesday, October 4, 2023, at 7:00 p.m., at the Livonia City Hall, 33000 Civic Center Drive, Livonia, Michigan, with respect to the Annual Budget for the fiscal year ending on November 30, 2024; and the City Clerk shall give adequate public

notice of said Public Hearing in accordance with provisions of law and City Charter.

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

#282-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated August 17, 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, regarding additional expenditure to close out the MEDC Grant - Greenmead Regional Detention Pond Project, Phase 1 - Whispering Willows Inline Channel Storage Improvements Project, pursuant to Council Resolution 123-23, adopted on April 10, 2023, the Council does hereby determine to:

- a) Authorize an additional expenditure in the not-to-exceed amount of \$75,208.46 payable to Sole Underground, LLC, 5940 Commerce Drive, Westland, Michigan 48185 from the Capital Projects Fund – Land Improvements, Account No. 401-000-974-000. This will bring the total final contract amount with Sole Underground, LLC from \$397,300.00 to \$472,508.46;
- b) Authorize an additional expenditure in the not-to-exceed amount of \$17,000.00 payable to Hubbell, Roth & Clark, Inc., P.O. Box 824, Bloomfield Hills, Michigan 48303-0824 for the additional inspection from the Capital Projects Fund – Land Improvements, Account No. 401-000-974-000. This will bring the total final contract amount with Hubbell, Roth & Clark, Inc. for inspection from \$21,000.00 to a not-to-exceed amount of \$38,000.00;
- c) Authorize an additional expenditure in the not-to-exceed amount of \$5,000.00 payable to Hubbell, Roth & Clark, Inc., P.O. Box 824, Bloomfield Hills, Michigan 48303-0824 from the Capital Projects Fund – Land Improvements, Account No. 401-000-974-000, for the as-built project plans;
- d) Waive the formal bidding process under Section 3.04.140.E.3 of the Livonia Code of Ordinances, as amended, since no advantage to the City would result from competitive bidding as it relates to the replacement and additional irrigation required to complete the project;
- e) Authorize an additional expenditure in the not-to-exceed amount of \$39,788.00 payable to D & B Landscaping, Inc., 13222 Merriman Road, Livonia, Michigan 48150 from the Capital Projects Fund –

Land Improvements, Account No. 401-000-974-000, for the replacement and additional irrigation required to complete the project; and

- f) Authorize the City Engineer 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 any not to exceed amount or to contract with other parties.

A communication containing the progression chart re: Livonia Youth Assistance/Diversion Program – Growth Works, received in the Office of the City Council on September 6, 2023, was received and placed on file for the information of the Council.

On a motion by Vice President Toy, seconded by Councilmember Bahr, and unanimously adopted, it was:

#283-23 RESOLVED, that having considered a communication from the Department of Law, dated August 14, 2023, approved for submission by the Mayor, to which is attached a proposed Memorandum of Understanding between the City of Livonia and Growth Works, Inc., commencing September 1, 2023 (and will automatically renew annually from the date of signature, unless either party notifies the other, in writing, of their intent to terminate the contract), to provide services for the Youth Assistance Diversion Program to be funded by the State of Michigan (MDHHS Child Care Fund) and Wayne County millage funds administered by the Conference of Western Wayne; the Council does, for and on behalf of the City of Livonia, authorize the Mayor and City Clerk to execute said Memorandum of Understanding in the manner and form herein submitted and to do all other things necessary or incidental to the full performance of this resolution.

Ron Irvin, 20181 Shadyside, gave positive feedback on the Touch a Truck event.

Councilmember McIntyre spoke about Eric Goldstein's play, Here We Go 2.0, to be performed at the Bennet Civic Center Library on September 10, 2023.

On a motion by Councilmember McIntyre, seconded by Vice President Toy, and unanimously adopted, this 1,976TH Regular Meeting of the Council of the City of Livonia was adjourned at 8:20 p.m.

Susan M. Nash, City Clerk