MINUTES OF THE ONE THOUSAND NINE HUNDRED SEVENTY EIGHTH

REGULAR MEETING OCTOBER 2, 2023

On October 2, 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 Bahr led the meeting with a prayer.

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

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

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

#296-23 RESOLVED, that the Minutes of the 1,977th Regular Meeting of the Council held September 18, 2023 are approved as presented.

Christine Hibbard, 17781 Parklane Street, spoke about noise pollution.

Paul Condon, 31115 Hillbrook Street, spoke about the instructions included with the absentee ballots.

Karen Teran, 14241 Doris Street, brought invitations for Council to attend the Kindness Club's upcoming game night.

Susan Nash, City Clerk, clarified postage instructions for mailing absentee ballots.

President Jolly wished Mark Taormina and Todd Zilincik a happy Birthday. He also announced new data was received on items #7, #9, and #10 and there is a Public Hearing scheduled on October 4, 2023.

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

> **#297-23** RESOLVED, that upon the motion by Councilmember Scott Bahr, seconded by Council Vice President Laura Toy, at the Regular Meeting held *October 2, 2023*, regarding the subject matter of the City's agreement with the various Livonia School Districts regarding tax collections, the Council does hereby refer this item to the Finance and Budget Committee for its report and recommendation.

Councilmember Donovic announced the Livonia Police Department's Faith and Blue Event to be held on October 7, 2023.

Vice President Toy complimented the Public Works Department.

Councilmember McIntyre reminded everyone to get mammograms.

Councilmember McCullough announced the upcoming Pumpkin Fest at Wilson Barn.

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

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

> **#298-23** RESOLVED, that having considered the report and recommendation of the Director of Housing, dated August 28, 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

contract for and on behalf of the City of Livonia, with Via Mobility, LLC, Ten Crosby Street, Floor Two, New York, NY 10013 for Livonia Transit software, to include software licenses, implementation, training and annual software maintenance for a period of three (3) years, in a total amount not exceed $250,820.00; the same to be expended annually from funds budgeted in Account No. 288-608-986-010 for this purpose, in the following amounts:

Year 1 - $106,940.00 (to be partially offset by utilizing grant funds in the amount of $50,000.00 from Consumers Energy)
Year 2 - $71,940.00
Year 3 - $71,940.00

FURTHER, the Council does hereby accept the bid of Via Mobility, LLC, based on the review of an evaluation committee and blind ranking system that ranked it the highest out of all bidders. Via Mobility, LLC met all the criteria, had the best talent and their cost was competitive.

#299-23 RESOLVED, that having considered a communication from the Director of Housing, dated August 25, 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 approve the sale to Kristy Sims of the following City-owned property, purchased through the Federal Community Development Block Grant (CDBG) Program, further described as:

01D122 Argonne Sub T1S R9E L40 P5 WCR Lot 122

Commonly known as: 27545 Long St., Livonia, Michigan 48152

for the appraised value and total purchase price of $130,000.00; the action herein being taken in order to best serve the interests of the community; FURTHER, the total proceeds of such sale shall be allocated to the CDBG Program as program income; and the Director of Housing is hereby requested to execute a quit claim deed and such other documents as may be necessary or incidental to fulfill the purpose of this resolution; and the Department of Law is hereby requested to prepare and place in proper form such legal documents as may be necessary to consummate this transaction; and the City Clerk is hereby requested to have said quit claim deed 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.

#300-23 RESOLVED, that having considered a communication from the Director of Housing, dated August 25, 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 determine that the Housing Commission may proceed with the sale of 35546 Orangelawn, 20120 Deering, and the vacant lot located at 19731 Middlebelt, subject to City Council approval, once qualified buyers are identified.

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

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

NAYS: None

On a motion by Councilmember Bahr, supported by Councilmember McIntyre, it was:

#301-23 RESOLVED, that having considered a communication from James M. Kennedy, Jr., dated September 6, 2023, which in accordance with the provisions of Section 5.03.090 of the Livonia Code of Ordinances, as amended, takes an appeal from a determination made by the Livonia Police Department with regard to the denial of his application for a scavenger/scrap collector license in the City of Livonia, and having considered the report and recommendation of the Chief of Police, dated August 28, 2023, the Council does hereby reject the determination made by The Livonia Police Department and the application for a Scavenger/Scrapper Collector License, requested by James M. Kennedy, Jr., is hereby approved.

Vice President Toy offered a substitute motion to refer the subject matter to Committee of the Whole and later withdrew her motion.

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

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

NAYS: Morgan and Toy

The president declared the resolution passed.

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

#302-23 WHEREAS, the City Clerk has received an Application for Commercial Rehabilitation Exemption Certificate from Charles Knoll, President, CJK Investments, LLC, on behalf of Ducati Detroit, dated March 14, 2023, to facilitate the redevelopment of property located at 19265 Victor Parkway, Livonia, Michigan 48152, in the SE ¼ of Section 6; and

WHEREAS, the City Council legally established Commercial Rehabilitation District #5 on January 27, 2020, pursuant to Council Resolution #25-20, after a public hearing on January 8, 2020; and

WHEREAS, the City Clerk has notified in writing the Assessor of the City of Livonia as well as the legislative body of each taxing unit which levies ad valorem property taxes in the local governmental unit in which the proposed facility is to be located, i.e., the City of Livonia, and advised each of them that the said Application and request has been received; and

WHEREAS, the City Council has afforded Charles Knoll, President, CJK Investments, LLC, on behalf of Ducati Detroit, the Assessor, and a representative of each of the affected taxing units an opportunity for a hearing on this Application and request and said hearing having in fact been conducted at 7:00 p.m., Wednesday, September 13, 2023, at the Livonia City Hall, 33000 Civic Center Drive, Livonia, Michigan; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property previously exempt and currently in force under Public Act 210 of 2005 or under Public Act 198 of 1974 (IFT's) does not exceed 5% of the total taxable value of the City of Livonia; and

WHEREAS, the application was approved at a public hearing as provided by Section 4(2) of Public Act 210 of 2005 on September 13, 2023; and

WHEREAS, the applicant, CJK Investments, LLC, is not delinquent in any taxes related to the facility; and

WHEREAS, the application is for commercial property as defined in Section 2(a) of Public Act 210 of 2005; and

WHEREAS, the applicant, CJK Investments, LLC, has provided answers to all required questions under the application instructions to the City of Livonia; and

WHEREAS, the City of Livonia requires that rehabilitation of the facility shall be completed by November 1, 2024; and

WHEREAS, the commencement of the rehabilitation of the facility did not occur more than six months prior to the filing of the application for exemption; and

WHEREAS, the application relates to a rehabilitation program that when completed constitutes a qualified facility within the meaning of Public Act 210 of 2005 and that is situated within a Commercial Rehabilitation District established under Public Act 210 of 2005; and

WHEREAS, completion of the qualified facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, and revitalize a blighted urban area, in which the facility is situated; and

WHEREAS, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by Section 2(j) of Public Act 210 of 2005.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LIVONIA AS FOLLOWS:

1. That the City Council, on the basis of the information received from the applicant, Charles Knoll, President, CJK Investments, LLC, on behalf of Ducati Detroit, finds and determines: (a) that the granting of this Commercial Rehabilitation Exemption Certificate shall not have the effect of substantially impeding the operation of the local governmental unit or impairing the financial soundness of any taxing unit which levies an ad valorem property tax in the local governmental unit in which the facility is to be located; and (b) the applicant has fully complied with the requirements of Section 8, Act No. 210, P.A. 2005, as amended.

2. That the City Council hereby approves the Application for Commercial Rehabilitation Exemption Certificate from Charles Knoll, President, CJK Investments, LLC, on behalf of Ducati Detroit, for the real property, excluding land, located in Commercial Rehabilitation District #5, for the expansion and rehabilitation of the properties located at 19265 Victor Parkway, Livonia, Michigan 48152, for ten (10) years, commencing December 31, 2023, and ending December 31, 2033, pursuant to the provisions of PA 210 of 2005, as amended.

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

#303-23 RESOLVED, that having considered a communication from the City Planning Commission, dated June 19, 2023, approved for submission by the Mayor, which transmits its resolution #06-36-2023, adopted on June 13, 2023, with regard to Petition 2023-05-02-04, submitted by The Axe Parlor, requesting waiver use approval to operate a Class C liquor license to allow the sale and consumption of beer, wine and spirits at 30959 Five Mile Road, located within the Livonia Plaza shopping center on the south side of Five Mile Road between Henry Ruff and Merriman Roads in the Northwest ¼ of Section 23, the Council does hereby concur in the recommendation made by the City Planning Commission and Petition 2023-05-02-04 is hereby approved and granted, subject to the following conditions:

1. City Council waiving the 1,000-foot separation requirement between this location and the nearby Class C license establishment pursuant to Section 6.09(2)(A);

2. That this location shall be in compliance with the Michigan Liquor Control Act;

3. This waiver use for this license is granted to this petitioner only, and any new user of this license is required to seek and receive City Council's consent prior to the transfer; and

4. This waiver use for this license is granted to this petitioner for one year only from the date of the City Council approval.

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

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

NAYS: Toy

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

#304-23 RESOLVED, that having considered a communication from the City Planning Commission, dated June 19, 2023, approved for submission by the Mayor, which transmits its resolution #06-36-2023, adopted on June 13, 2023, with regard to Petition 2023-05-02-04, submitted by The Axe Parlor, requesting waiver use approval to operate a Class C liquor license to allow the sale and consumption of beer, wine and spirits at 30959 Five Mile Road, located within the Livonia Plaza shopping center on the south side of Five Mile Road between Henry Ruff and Merriman Roads in the Northwest ¼ of Section 23, the Council does hereby waive the 1,000-foot separation requirement as set forth in Section 6.09(2)(a) of the Livonia Zoning Ordinance.

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

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

NAYS: Toy

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

#305-23 RESOLVED, that having considered a communication from the City Planning Commission, dated July 12, 2023, approved for submission by the Mayor, which transmits its resolution #07-44-2023, adopted on July 11, 2023, with regard to Petition 2023-06-02-06 submitted by Gerald Todd Clark on behalf of ServiceMaster, requesting to develop a Planned General Development, involving the conversion of an existing eight-story office building into climate-controlled self-storage and first-floor retail including residential and commercial restoration services, construction of drive-up self-storage units, and five (5) single-family residential lots, on the property at 29200 Vassar Avenue, located on the north side of Vassar Avenue between Parkville Avenue and Middlebelt Road in the Southwest ¼ of Section 1, the Council does hereby refer this item to the Committee of the Whole for its report and recommendation.

Donald Hall, 29105 Vassar, spoke in favor of Petition No. 2023-06-02-06.

Councilmember Bahr offered an approving motion for Petition No. 2023-07-02-11 but withdrew his motion after discussion by the Council regarding unpaid taxes.

Jake Rilett, representative of the Mannik Group, indicated the taxes were paid on September 26, 2023.

Lynda Scheel, City Treasurer, indicated the real property taxes were paid on September 26, 2023, but the personal property taxes are still outstanding.

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

#306-23 RESOLVED, that having considered a communication from the City Planning Commission, dated August 31, 2023, approved for submission by the Mayor, which transmits its resolution #08-58-2023, adopted on August 29, 2023, with regard to Petition 2023-07-02-11 submitted by The Mannik & Smith Group, Inc., requesting waiver use approval to demolish an existing restaurant (Burger King) and construct a new automated car wash facility (Clean Express Auto Wash), at 34835 Plymouth Road, located on the south side of Plymouth Road between Stark and Wayne Roads in the Northwest ¼ of Section 33, and an email communication from the City Treasurer, dated September 18, 2023, regarding delinquent Summer property taxes for 34835 Plymouth Road, the Council does hereby direct that this item be placed on the Agenda for the next Regular Meeting of October 16, 2023.

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

#307-23 RESOLVED, that having considered a communication from the City Planning Commission dated August 31, 2023, approved for submission by the Mayor, and an email communication from John R. Pastor, Pastor 4g's LLC, dated August 30, 2023, which in accordance with the provisions of Section 13.13(10) of the Livonia Zoning Ordinance, takes an appeal from a determination made on August 29, 2023 by the City Planning Commission in its resolution #08-57-2023 with regard to Petition 2023-07-02-10 submitted by Technical Group Inc., requesting waiver use approval under Section 6.51 of the Livonia Zoning Ordinance, as amended, to construct and operate a drive-thru coffee shop (Scooter's Coffee) and convert the existing building on the property into an ice cream shop (Lickity Split) at 19100 Farmington Road, located on the southeast corner of Seven Mile and Farmington Roads in the Northwest 1/4 of Section 10, and the Council having conducted a public hearing with regard to this matter on Wednesday, September 13, 2023. The Council does hereby reject the recommendation of the City Planning Commission and Petition 2023-07-02-10 is hereby approved and granted, subject to the following conditions:

1. The Site Plan identified as Sheet C-2, dated August 28, 2023, as revised, prepared by Technical Group, Inc., is hereby approved and shall be adhered to;

2. That the issue concerning splitting the property, as outlined in the correspondence dated August 3, 2023, from the Department of Assessment, shall be resolved to the satisfaction of the Assessment Department. That appropriate recordable legal instrumentation, such as a cross-access agreement, that gives notice and outlines the terms of how the properties would share parking and access, be supplied to the Inspection Department at the time a building permit is applied for;

3. That the Landscape Plan identified as Sheet LS-1, dated August 28, 2023, as revised, prepared by Technical Group, Inc., is hereby approved and shall be adhered to, except that the required trees along Seven Mile and Farmington Roads shall be relocated to be outside of the dedicated public road rights-of-way and additional trees and shrubs shall be provided around the dumpster enclosure;

4. That all disturbed lawn areas shall be sodded in lieu of hydro-seeding;

5. 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;

6. That the maximum customer seating count for the ice cream parlor shall not exceed a total of nineteen (19) interior seats;

7. That the Building Elevation Plan for Scooter's Coffee, identified as Sheet A-2, dated August 28, 2023, as revised, prepared by Technical Group, Inc., is hereby approved and shall be adhered to;

8. That the Building Elevation Plan for Lickity Split, identified as Sheet A- 3, dated August 28, 2023, as revised, prepared by Technical Group, Inc., is hereby approved and shall be adhered to;

9. 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;

10. That the three walls of the trash dumpster area shall be constructed out of building materials that shall complement that of the buildings and the enclosure gates shall consist of opaque and durable steel or composite panels;

11. That all pole mounted light fixtures shall not exceed a height of twenty feet (20') above grade and shall be shielded to minimize glare trespassing on adjacent properties and roadway;

12. 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;

13. That no LED lightband or exposed neon shall be permitted on this site including, but not limited to, the buildings or around the windows;

14. That unless approved by the proper local authority, any type of exterior advertising, such as promotional flags, streamers or sponsor vehicles designed to attract the attention of passing motorists, shall be prohibited;

15. That the issue concerning emergency vehicle access, as outlined in the correspondence dated August 10, 2023, from Livonia Fire & Rescue, shall be resolved to the satisfaction of the Fire Department and Inspection Department;

16. That the specific plans referenced in this approving resolution shall be submitted to the Inspection Department at the time of application for building permits; and

17. Per Section 13.13 of the Livonia Zoning Ordinance, this approval is valid for one (1) year from the date of approval by the City Council. Unless a building permit is obtained, this approval shall be null and void after the one (1) year period.

President Jolly relinquished the chair at 8:03 p.m. due to a professional conflict.

Several email communications from City residents in response to Petition 2022-12-01-02, submitted by the Basilica of St. Mary, were received and placed on file for the information of the Council.

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

#308-23 RESOLVED, that having considered a communication from the City Planning Commission, dated February 13, 2023, which transmits its resolution 01-04-2023, adopted on January 31, 2023, with regard to Petition 2022-12-01-02, submitted by the Basilica of St. Mary, requesting to rezone parts of the properties at 18100 Merriman Road and 30600 Brookview Drive, located on the east side of Merriman Road between Mayville Drive and Seven Mile Road in the Northwest ¼ of Section 11, from P-L (Public Lands) to N2 (Neighborhood), and a communication from Brandon M. Grysko, Fausone & Grysko, PLC, dated September 1, 2023, withdrawing the NM3-I/elderly housing portion of Petition 2022-12-01-02, and the Council having conducted a public hearing with regard to this matter on Wednesday, September 13, 2023, the Council does hereby refer this item to the Committee of the Whole for its report and recommendation.

Brandon Grysko, Attorney representing Basilica of St. Mary's, indicated he looks forward to being able to address concerns in a committee type meeting.

The following residents spoke in opposition of the rezoning:

Brian Smith, 30126 Brookview
Mike Bertges, 30825 Mayville
Colleen Badgero 17415 Sunset
Margaret Rudis 31038 Mayville
Samantha Raj 30208 Brookview
Deb Christiansen
Laura Burke 30573 Brookview
Don Artushin 31397 Mayville

The following individuals spoke in favor of the referral to Committee of the Whole and the rezoning request:

Robert Nader, 10220 Wellington Drive
Fred Sackllah
Marc Naash, 42 Watson
Steve Johnson 18240 Sunset

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

AYES: Donovic, Morgan, McCullough, McIntyre, and Jolly.

NAYS: Bahr and Toy

President Jolly resumed the chair at 8:37 p.m.

A communication from Barb Ferrara, dated September 26, 2023, changing the date of the block party from Saturday, October 7, 2023 to Sunday, October 8, 2023, was received and placed on file for the information of the Council.

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

#309-23 RESOLVED, that having considered an application from Barb Ferrara, dated September 25, 2023, and an email communication from Ms. Ferrara, dated September 26, 2023, requesting permission to close Perth Street, between Arden and Berwick Streets, on Sunday, October 8, 2023, from 12:00 p.m. to 8:00 p.m., for the purpose of conducting a block party with music, games, bounce house, and 50/50 raffle, the Council does hereby grant permission as requested, the action taken herein being made subject to the approval of the Police Department.

Barb Ferrara was present to answer questions.

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

#310-23 The undersigned, Susan M. Nash, City Clerk of the City of Livonia, does hereby certify that a Regular Meeting of the Council of the City of Livonia, held on October 2, 2023 at 33000 Civic Center Drive, Livonia, Michigan, at which time and place the following members of the Council were present: _________ Absent: ________. The following resolution was made and adopted:

WHEREAS, the City of Livonia believes quality roads are a vital part of any community; and

WHEREAS, the City of Livonia has a Citizens Advisory Committee on Roads that reviews and prioritizes City streets most in need of repair in utilizing asset management practices presented by the Department of Public Works and Engineering Department since 2002; and

WHEREAS, Public Act 325 of 2018 requires local road agencies responsible for 100 or more certified miles or road to include requirements for asset management plans to be submitted to the Transportation Asset Management Council (TAMC) by October 1st; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council hereby accept the asset management plan report with any minor necessary revisions to be accepted by TAMC and be submitted on a three (3) year cycle for compliance.

A copy of the resolution will be forwarded to TAMC. The report was submitted prior to the deadline.

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

AYES: ________________________________

NAYS: ________________________________

The President declared the resolution adopted.

IN WITNESS WHEREOF, the undersigned has hereunto affixed her signature on this ________ day of October, 2023.

____
Susan M. Nash, City Clerk
City of Livonia, Wayne County, Michigan

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 1,978TH Regular Meeting of the Council of the City of Livonia was adjourned at 8:41 p.m.

____
Susan M. Nash, City Clerk