

MINUTES OF THE ONE THOUSAND NINE HUNDRED EIGHTIETH**REGULAR MEETING NOVEMBER 1, 2023**

On November 1, 2023, the above meeting was held at the City Hall, 33000 Civic Center Drive, Livonia, Michigan, and was called to order by the President of the Council at 7:00 p.m. Councilmember Morgan and Scout Pack 1640 led the meeting with the Pledge of Allegiance.

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

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, supported by Councilmember McCullough, and unanimously adopted it was:

#326-23 RESOLVED, that the Minutes of the 1,979th Regular Meeting of the Council held October 16, 2023 are approved as presented.

Steve King, 33950 Coventry, congratulated all of the candidates running for office this year for their availability and openness.

President Jolly wished Deputy Police Chief Benjamin McDermott a Happy Birthday. He also announced the Public Hearing to be held on November 8, 2023.

Kristen Edson, Library Director, shared the Community Engagement website designed to collect information for the Library's Strategic Plan. She explained that the Livonia Public Library has never done a strategic plan. This is an opportunity to see if the library is meeting community needs and to allow them to share their vision of the library in the future. They have also sent invitations out for focus groups. She explained that the programs and needs of

the community will also inform us of facility needs. She indicated they are using the same library consultants from the previously approved resolution.

Councilmember McIntyre announced an employee retirement. She also thanked the Scouts and their Leaders in attendance. She also asked if Administration could explain why the Community Transit buses are parked in the Police Department parking lot, if all of those buses are in service, and where we are in our attempt to get our number of drivers up after the recent raise.

Vice President Toy spoke about human trafficking.

Councilmember Donovic shared that the Scouts will be laying flowers on the graves of veterans at a local cemetery.

Councilmember McCullough announced the Detroit All Stars vs. Red Wing Alumni game scheduled on January 28, 2024.

Susan Nash, City Clerk, gave an update of the upcoming election on November 7, 2023

A Communication from the Department of Finance, dated October 7, 2023, re: forwarding various financial statements of the City of Livonia for the month ending August 31, 2023 was received and place on file for the information of the Council.

A Communication from the Department of Finance, dated October 7, 2023, re: forwarding the Departmental Purchases Report, for the month ending September 30, 2023 was received and place on file for the information of the Council.

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

#327-23 RESOLVED, that having considered a communication from Razvan T. Ghiorghiu, dated September 20, 2023, requesting a waiver of the sidewalk requirement for the newly constructed home located at 11401 Hubbell St., Livonia, MI 48150, in the Northwest ¼ of Section 35, and having considered the report and recommendation of the City Engineer, dated September 26, 2023, approved for submission by the Mayor, recommending sidewalk

construction in order to promote connectivity, the Council does hereby reject the recommendation of the City Engineer and approves this request inasmuch as omitting the sidewalk on the subject property would have no detrimental effect upon the neighboring properties at this time due to lack of any other public sidewalks existing on the west side of Hubbell St. in this area; Further, the Council does hereby reserve the right to require sidewalks at this location in the event that additional sidewalks are installed in this area at some future date.

#328-23 RESOLVED, that having considered a communication from Richard Hurley, Soave/Oro Construction, LLC., dated September 28, 2023, requesting a waiver of the sidewalk requirement for the newly constructed home located at 19619 Angling Road, Livonia, MI 48152, in the S.E. ¼ of Section 1, and having considered the report and recommendation of the City Engineer, dated October 3, 2023, approved for submission by the Mayor, recommending sidewalk construction in order to promote connectivity, the Council does hereby reject the recommendation of the City Engineer and approves this request inasmuch as omitting the sidewalk on the subject property would have no detrimental effect upon the neighboring properties at this time due to lack of any other public sidewalks existing on the west side of Angling Road in this area; Further, the Council does hereby reserve the right to require sidewalks at this location in the event that additional sidewalks are installed in this area at some future date.

#329-23 RESOLVED, that having considered the report and recommendation of the Chief of Police, dated September 27, 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 purchase of one (1) 2023 Dodge Charger Police Pursuit Package AWD (4-door) vehicle in an amount not to exceed \$35,557.00 from LaFontaine CDJR–Lansing, 6131 S. Pennsylvania Avenue, Lansing, MI 48911, which can be upfitted with existing emergency equipment and will replace one of the high mileage existing units that has exceeded its life expectancy; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$35,557.00 from funds budgeted in Account No. 101-307-985-000 for this purpose; FURTHER, the Council does hereby determine to authorize the said purchase without competitive bidding inasmuch as the same is based upon the low State of Michigan bid price under Contract No. 071B7700183 for the new vehicle purchase; and such action is taken in accordance with the provisions set forth in Section 3.04.140.E.4 of the Livonia Code of Ordinances, as amended; FURTHER, the Council does hereby authorize the disposal of the

replaced vehicle at public auction hosted by the Michigan Inter-governmental Trade Network (MITN) or commercial auction after receipt of the new vehicle.

#330-23 RESOLVED, that having considered the report and recommendation of the Interim Director of Community Resources, dated October 3, 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 accept the bid of Filmtools Inc., 1015 N. Hollywood Way, Burbank, CA 91505 for purchase, installation and training in connection with various articles of camera equipment, for use by the Cable Department and to replace the cameras, studio kits and switcher which were part of the production truck dating back to the early 2000's, in an amount not to exceed \$138,393.00, the same having been the sole bid received and meets all specifications; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$138,393.00 from funds budgeted in Account No. 297-806-987-000 (Capital Outlay-Other Equipment) for this purpose; and the Mayor and City Clerk are hereby authorized to execute a contract, for and on behalf of the City of Livonia, with Filmtools Inc., subject to approval as to form and substance by the Department of Law, and to do all things necessary or incidental to the full performance of this resolution.

#331-23 RESOLVED, that having considered the report and recommendation of the Director of Inspection, dated October 2, 2023, 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 four (4) 2023 Ford Escapes for use by the Inspection/Ordinance Department – replacing current outdated vehicles which have surpassed their life expectancy - from Lunghamer Ford, 1960 E. Main Street, Owosso, Michigan 48867, at a cost of \$30,396.00 each, for a total cost not to exceed \$121,584.00; and the upfitting of said vehicles by Truck and Trailer Specialties, Inc., 900 Grand Oaks Drive, Howell, Michigan 48843, at a cost of \$3,145.00 each, for a total cost not to exceed \$12,580.00, and a grand total amount not to exceed \$134,164.00; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$134,164.00 from the Capital Projects Funds (Account Nos. 101-371-985-000 and 226-521-985-000) for this purpose; and the Director of Inspection is hereby authorized to approve minor adjustments as it becomes necessary but this authorization does not entitle the Director of Inspection to authorize any increase in the not to exceed amount or to contract with other parties; FURTHER, the Council does hereby determine to authorize the said purchase without competitive bidding inasmuch as the

same is based upon the low State of Michigan bid price under Contract No. 071-B77 00180 for the new vehicle purchases; and through the Rochester Hills Co-Op Award Agreement (rfp-rh-20-023) for the upfitting of said vehicles; and such action is taken in accordance with the provisions set forth in Section 3.04.140.E.4 of the Livonia Code of Ordinances, as amended; FURTHER, the Council does hereby authorize the disposal of the replaced vehicles at public auction hosted by the Michigan Inter-governmental Trade Network (MITN) or commercial auction after receipt of the new vehicles.

#332-23 RESOLVED, that having considered the report and recommendation of the Superintendent of Parks and Recreation, dated September 1, 2023, which bears the signature of the Director of Finance and is approved for submission by the Mayor, the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute a contract between the City of Livonia and Hills-Forrest-Smith, 7046 Dunstons Ln., Toledo, OH 43617, to provide planning and design services for the development of a master plan for the city's three (3) golf courses in an amount not to exceed \$100,000.00; the same having been the only bid received which meets the RFP requirements for work performed; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$100,000.00 from funds budgeted in FY 2023/2024 Account Nos: 409-000-971-773; 409-000-971-774; and 409-000-971-775 for this purpose.

#333-23 RESOLVED, that having considered the report and recommendation of the Superintendent of Parks and Recreation, dated September 15, 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 accept the unit price bid of Johnson Sign Company, 2240 Lansing Avenue, Jackson, MI 49202 for performing all work required in connection with Wayfinding fabrication and installation of signage throughout the city's parks system, for a total amount not to exceed \$100,000.00, based upon the Parks and Recreation Department's estimate of units involved and subject to final payment based upon the actual units completed in accordance with the unit prices accepted herein, said cost and unit prices having been in fact the lowest bid received and meets all specifications; FURTHER, the Council does hereby authorize an expenditure of a sum not to exceed \$100,000.00 from funds budgeted in Account No. 101-758-974-000 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 Johnson Sign Company and to do all other things necessary or incidental to the full performance of this resolution.

#334-23 RESOLVED, that having considered the report and recommendation of the Superintendent of Parks and Recreation, dated September 26, 2023, which bears the signatures of the City Engineer and the City Attorney, and is approved for submission by the Mayor, to which is attached a proposed Agreement for Conservation Easement between the City of Livonia and the Michigan Department of Environment, Great Lakes, and Energy (EGLE), PO Box 30458, Lansing, Michigan 48909-7958, for an EGLE Conservation Easement along the Bell Branch of the Rouge River within Blue Grass Park, the Council does hereby approve the agreement for conservation easement in the manner and form herein submitted; and the Mayor and City Clerk are hereby authorized, for and on behalf of the City of Livonia, to affix their signatures to the said agreement, subject to approval as to form and substance by the Department of Law.

#335-23 RESOLVED, that having considered the report and recommendation of the Superintendent of Parks and Recreation, dated October 5, 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 purchase and installation of waterplay splash pad features, in connection with the Splash Pad Renovation Project at the Jack E. Kirksey Recreation Center, from Great Lakes Recreation Co., 39 Veterans Drive, Suite 310, Holland, MI 49423, in an amount not to exceed \$500,000.00, to replace the existing features which have reached the end of their life expectancy and are not repairable; FURTHER, an amount not to exceed \$500,000.00 is hereby authorized to be expended from Account No. 208-755-987-000 for fiscal years 2023 and 2024 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 Sourcewell bid price (under Contract No. 010521-WTR), and such action is taken in accordance with the provisions set forth in Section 3.04.140.E.4 of the Livonia Code of Ordinances, as amended.

#336-23 RESOLVED, that having considered the report and recommendation of the Assistant Director of Public Works, dated October 4, 2023, submitted pursuant to Council Resolution 361-19, adopted on November 6, 2019, which bears the signatures of the Director of Public Works and the Director of Finance, and is approved for submission by the Mayor, the Council does hereby accept the recommendation of the Department Of Public Works to extend the household hazardous waste drop-off contract with

Environmental Recycling Group (ERG), 13040 Merriman Road, Suite 200, Livonia, MI 48150, for a period of four (4) years, to provide services for the 2024 through 2027 household hazardous waste and electronic waste drop-off program, at their location, which provides for two (2) years of upgraded year-round service, based on the following “per drop” pricing:

<u>Current Services Extended</u>	<u>Cost Per 100 pounds/waste</u>
<u>Year</u>	
2024	\$59.50
2025	\$62.50
2026	\$65.75
2027	\$69.00

<u>Year</u>	<u>As Quoted</u>	<u>Upgrading to Year-Round Service</u>
2024	\$137,000.00	2024 \$182,000.00
2025	\$144,000.00	2025 <u>\$191,250.00</u>
2026	\$151,000.00	<u>\$373,250.00</u>
2027	<u>\$159,000.00</u>	
	<u>\$591,000.00</u>	

Four (4) Year Contract Amounts

<u>Year</u>	
2024	\$182,000.00
2025	\$191,250.00
2026	\$151,000.00
2027	<u>\$159,000.00</u>
	<u>\$683,250.00</u>

with budgeting for this program provided through the Municipal Refuse Fund (Account No. 205-527-818-035) and derived from the dedicated recycling millage with no general fund expense resulting from this program; FURTHER, the Council does hereby authorize the action herein without competitive bidding in accordance with Section 3.04.140.E.3 of the Livonia Code of Ordinances, as amended, because there does not appear to be any competitors who can handle large residential hazardous and electronic waste drop-offs in Livonia; and the Mayor and City Clerk are hereby authorized to execute a four (4) year contract extension with ERG, 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.

#337-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated September 26, 2023, which bears the signatures of the Director of Public Works and the City Attorney, and is approved for submission by the Mayor, with regard to a storm water maintenance agreement from The Salvation Army, in conjunction with the construction of a storm drain system that provides adequate drainage for the newly renovated Salvation Army located at 33600 Plymouth Road, in the Southeast 1/4 of Section 28, the Council does hereby determine as follows:

1. To accept on behalf of the City of Livonia, the jurisdiction and maintenance of the storm sewer within the property located on the north side of Plymouth Road, west of Farmington Road, in the S.E. ¼ of Section 28, which accommodates storm water from the newly renovated Salvation Army, located at 33600 Plymouth Road, with the maintenance agreement from the proprietor, The Salvation Army, 5550 Prairie Stone Parkway, Hoffman Estates, IL 60192, attached to said report and recommendation, indicating a corporate commitment to maintain the system and reimburse the City for any maintenance the City performs; and
2. To authorize the Mayor and City Clerk to execute the Storm Water Facilities Maintenance Agreement on behalf of the City.

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

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

NAYS: None

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

#338-23 RESOLVED, that having considered a request from Kyle Morton, Ashley Capital, 2575 S. Haggerty Road, Suite 500, Canton, MI 48188, at the Regular Meeting held October 16, 2023, to receive a letter of support from City Council to provide supportive documentation pertaining to establishing a conservation easement along the Bell Branch of the Rouge River following the proposed

stream improvement project, and support for the acquisition of a portion of the MDOT right-of-way along I-275 that includes a portion of the proposed project, and an email communication from Mark J. Quimby, Ashley Capital, dated October 23, 2023, forwarding a proposed sample Letter of Support on behalf of the City Council, the Council does hereby support the proposed Stream Improvement Project and approves the proposed letter of support in the manner and form herein submitted; and the Mayor and City Clerk are hereby authorized, for and on behalf of the City of Livonia, to affix their signatures to the said Letter of Support, subject to approval as to form and substance by the Department of Law.

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

#339-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated October 5, 2023, which bears the signatures of the Director of Public Works and the City Attorney, and is approved for submission by the Mayor, with regard to a request from Aletha B. Phipps Apartments, LLC, a Michigan limited liability company, in conjunction with the construction of a storm drainage system to provide adequate drainage for the newly constructed apartments located on the west side of Farmington Road, south of Five Mile Road, in the Northeast ¼ of Section 21, the Council does hereby determine as follows:

1. To accept on behalf of the City of Livonia, the jurisdiction and maintenance of the storm sewer within the property located on the west side of Farmington Road, south of Five Mile Road, in the Northeast ¼ of Section 21, for the Aletha B. Phipps Apartments, which accommodates storm water from property developed at 15125 Farmington Road, Livonia, MI 48154, with the maintenance agreement from the proprietor, Aletha B. Phipps Apartments, LLC, a Michigan limited liability company, located at 3699 Vorhies Road, Ann Arbor, MI 48105, attached to said report and recommendation, indicating a corporate commitment to maintain the system and reimburse the City for any maintenance the City performs;
2. To authorize the Mayor and City Clerk to execute the Storm Water Facilities Maintenance Agreement on behalf of the City;

3. To advise the Wayne County Department of Public Services (Permit Section) that the City of Livonia has approved the storm water collection system site plans and further, that the City will accept jurisdiction and maintenance (at no expense to the County) of the storm sewer within the property located on the west side of Farmington Road, south of Five Mile Road, in the Northeast 1/4 of Section 21, for the newly constructed Aletha B. Phipps Apartments; and
4. To authorize the City Engineer to execute Wayne County Permit Number M-49757 on behalf of the City of Livonia in connection with the above storm sewer collection system.

On a motion by Councilmember Bahr, supported by Vice President

Toy, and unanimously adopted it was:

#340-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated October 10, 2023, which bears the signatures of the Director of Public Works and the City Attorney, and is approved for submission by the Mayor, with regard to a request from HFI8, LLC, a Michigan limited liability company, in conjunction with the construction of a storm drainage system to provide adequate drainage for the New Gas Station, located at 27430 Seven Mile Road, in the Southeast ¼ of Section 1, the Council does hereby determine as follows:

1. To accept on behalf of the City of Livonia, the jurisdiction and maintenance of the storm sewer within the property located at 27430 Seven Mile Road, in the Southeast ¼ of Section 1, for the New Gas Station, which accommodates storm water from property developed at 27430 Seven Mile Road, Livonia, MI, with the maintenance agreement from the proprietor, HFI8, LLC, a Michigan limited liability company, located at 25896 Timbertrail, Dearborn Heights, Michigan 48127, attached to said report and recommendation, indicating a corporate commitment to maintain the system and reimburse the City for any maintenance the City performs;
2. To authorize the Mayor and City Clerk to execute the Storm Water Facilities Maintenance Agreement on behalf of the City;

3. To advise the Wayne County Department of Public Services (Permit Section) that the City of Livonia has approved the storm water collection system site plans and further, that the City will accept jurisdiction and maintenance (at no expense to the County) of the storm sewer within the property located at 27430 Seven Mile Road, in the Southeast $\frac{1}{4}$ of Section 1, for the newly developed New Gas Station; and
4. To authorize the City Engineer to execute Wayne County Permit Number M-53141 on behalf of the City of Livonia in connection with the above storm sewer collection system.

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

#341-23 RESOLVED, that having considered a communication from the Department of Law, dated October 2, 2023, which is approved for submission by the Mayor, the Council does hereby, by a two-thirds roll call vote in accordance with section 7(1) of the Open Meetings Act, direct that a Closed Committee of the Whole meeting be held for the purpose of discussing litigation matters and attorney/client privileged communications in connection with pending litigation, Middlebelt Plymouth Venture, LLC v City of Livonia; U.S. District Court case No. 2:22-CV-12734.

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

On a motion by Vice President Toy, supported by Councilmember McIntyre, and unanimously adopted, this 1,980TH Regular Meeting of the Council of the City of Livonia was adjourned at 7:36 p.m.

Susan M. Nash, City Clerk