

MINUTES OF THE ONE THOUSAND NINE HUNDRED EIGHTY FIRST**REGULAR MEETING NOVEMBER 13, 2023**

On November 13, 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, Scott Bahr, Rob Donovic, Scott Morgan, and Jim Jolly. Absent: Laura Toy.

Elected and appointed officials present: Paul Bernier, City Attorney; Susan M. Nash, City Clerk; Sara Kasprovicz, Program Supervisor of Council Office; Scott Miller, Planning Department Planner IV; and Todd Zilincik, City Engineer.

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

#342-23 RESOLVED, that the Minutes of the 1,980th Regular Meeting of the Council held November 1, 2023 are approved as presented.

President Jolly announced the audio on Spectrum isn't clear tonight.

Christopher Martin, Michigan resident, spoke about past elections.

President Jolly indicated additional information was received on Item #16 and there is an X Item at the end of the agenda. He also wished a happy birthday to Lori Miller and Ted Davis who have birthdays in the coming weeks.

Councilmember McIntyre spoke about House Bills No. 5120 and 5121.

Councilmember Donovic spoke about Veterans Day and the new Mark L. Whitfield Veterans and Military Services Center at Schoolcraft College. He wished a Happy Veterans Day to all Veterans.

Councilmember Bahr announced that You Tube TV may work for residents that are unable to watch tonight's meeting on Spectrum.

Clerk Nash wished a belated Happy Birthday to Sara Kasprovicz. She also gave a recap of the November 7, 2023 Election results. She thanked the election workers, the Clerk Office Staff, Michael Siegrist (Canton Township Clerk), Jerry Vorva (Plymouth Township Clerk), Sara El Rafail (Taylor Deputy Clerk, and Tina Rekau (Redford Township Deputy Clerk).

A Communication from the Department of Finance, dated November 3, 2023, re: forwarding the Departmental Purchases Report, for the month ending October 31, 2023 was received and place on file for the information of the Council.

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

#343-23 RESOLVED, that having considered a communication from the Office of the City Clerk, dated October 18, 2023, which bears the signature of the Director of Finance, and is approved for submission by the Mayor, to which is attached an audit fee proposal from Frank W. Audia, CPA, Stacey L. Reeves, CPA and Keith Szymanski, CPA, Plante Moran, PLLC, dated October 16, 2023, the Council does hereby accept the proposal of Plante Moran, PLLC, PO Box 307, 3000 Town Center, Suite 100, Southfield, Michigan 48075, for performing the annual independent audit of the accounts of the City of Livonia for the years ending November 30, 2023 through November 30, 2027, as required by the City Charter and in accordance with the guidelines set forth in the State Uniform Budgeting and Accounting Act 1968 Pa 2 in the following amounts and accounts listed below:

<u>Budgeted Account</u>		<u>Fiscal Year</u>				
		2023	2024	2025	2026	2027
Base Fee	101-223-808-000	110,175	125,795	140,765	149,210	158,160
PRDA	248-000-808-000	2,650	2,810	2,980	3,155	3,345
Brownfield	242-000-813-000	3,180	3,370	3,570	3,790	4,020
Single Audit	Various	17,790	18,860	19,990	21,190	22,460

Court	101-286-808-000	<u>11,800</u>	<u>12,510</u>	<u>13,260</u>	<u>14,055</u>	<u>14,900</u>
Total		145,595	163,345	180,565	191,400	202,885

FURTHER, the Council does hereby authorize the said item without competitive bidding in accordance with Section 3.04.140.E.2 of the Livonia Code of Ordinances, as amended, because Plante Moran, PLLC is deemed to be the most qualified professional firm to provide the service.

#344-23 RESOLVED, that having considered a communication from the Human Resources Director, dated October 19, 2023, which bears the signatures of the Finance Director and the City Attorney, and is approved for submission by the Mayor, transmitting a resolution adopted by the Civil Service Commission (the "Commission") at its meeting of October 18, 2023, wherein the Commission submitted for Council review certain proposed changes to job descriptions, classifications, and wages for part-time staff in the Department of Parks and Recreation, the Council does hereby concur in and approve the recommendation of the Civil Service Commission and adopting those changes as outlined in the aforementioned communication and attachments thereto.

#345-23 RESOLVED, that having considered the report and recommendation of the Finance Director, dated October 18, 2023, approved for submission by the Mayor, identifying those areas where the budget-to-actual comparison is sufficiently favorable to allow reallocation of \$2,500,000.00, the Council does hereby authorize an additional contribution to the Voluntary Employees' Beneficiary Association ("VEBA") Fund in the amount of \$1,250,000.00 to reduce the unfunded liability for retiree healthcare; FURTHER, the Council does hereby authorize an additional contribution to the Building Improvement Capital Projects Fund (418) in the amount of \$1,250,000.00 to be used for building projects; FURTHER, the Council does hereby authorize a budget amendment to the following accounts:

General Fund		Increase	Decrease
101-000-573-000	LCSA Rev	\$ 146,000	
101-000-568-000	State Shared Rev	100,000	
101-000-665-000	Interest Inc	900,000	
101-175-702-000	Gov't Affairs Exp		169,000
101-261-853-000	Telephone Exp		25,000
101-271-813-000	Labor Relations Exp		40,000
101-701-818-800	Planning Exp		60,000
101-325-702-000	Police Staffing Exp		900,000
101-304-761-400	Police-Prisoner Housing		100,000
101-304-818-000	Police Cont Serve		60,000
101-265-995-418	Cont to Bldg Improv Fund	1,250,000	

101-265-995-737 Cont to VEBA

1,250,000

and the Finance Director is hereby requested to do all things necessary or incidental to the full performance of this resolution.

#346-23 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 Game Time Customer Prime Playground Equipment in connection with the renovation of Mies Park Playground and Play Area from Sinclair Recreation, 176 E. Lakewood Blvd., Holland, MI 49424, in an amount not to exceed \$199,602.55, to replace the current play structure which is 22 years old and has reached the end of its life expectancy; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$133,000.00 already budgeted in Account No. 208-756-974-000 and \$66,624.00 from Wayne County District 12 grant funds (pursuant to CR# 086-23, adopted on March 13, 2023) for this purpose; FURTHER, the Council does hereby determine to authorize this purchase without competitive bidding inasmuch as the same is based upon the Omnia Purchasing Program, a national channel for government agencies to receive discounted pricing through their membership, 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, and the Mayor and City Clerk are hereby authorized to execute a contract for and on behalf of the City of Livonia with the aforesaid company and to do all things necessary or incidental to the full performance of this resolution.

#347-23 RESOLVED, that having considered a communication from the Superintendent of Parks and Recreation, dated October 18, 2023, which bears the signature of the Director of Finance and is approved for submission by the Mayor, the Council does hereby accept the unit price bid of the lowest bidder for each item indicated on the breakdown sheets, attached to the aforesaid communication, for supplying the Parks and Recreation Department with clothing for the 2023 through 2025 Fiscal Years, the same having been the lowest bids submitted for each item listed and meet all specifications; FURTHER, the Council does hereby authorize said purchases from funds already budgeted in the following Account Nos: 208-755-768-000, 208-776-764-000, 101-759-766-000, 101-752-764-000, 101-758-760-000, 208-755-776-040 for this purpose.

#348-23 RESOLVED, that having considered the report and recommendation of the Assistant Director of Public Works, dated

October 3, 2023, which bears the signatures of the Director of Public Works and the Director of Finance and is approved for submission by the Mayor, the Council does hereby accept the following low bids which meet specifications for supplying the Public Works Division (Road Maintenance Section) with hot and cold bituminous materials specified at the unit prices bid for the period September 1, 2023 through August 31, 2024:

Ajax Materials, 1957 Crooks Road, Suite #A, Troy, MI 48084

M.D.O.T. 13A HMA	\$ 90.50 per ton
M.D.O.T. 36A HMA	\$ 92.50 per ton
Cold Patch 192 Delivered	\$130.00 per ton (sole bidder)
Cold Patch UPM Delivered	\$135.00 per ton

Nagle Paving, 39525 W. 13 Mile Road, Suite 300, Novi, MI 48377

M.D.O.T. 1500 T 20 AAA HMA	\$ 96.50 per ton (sole bidder)
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FURTHER, in the event the aforesaid low bidders are unable to furnish the materials, the Council does hereby accept the following second lowest bids, which also meet specifications, as alternates for supplying the Public Works Division (Road Maintenance Section) with bituminous materials specified at the unit prices bid for the period September 1, 2023 through August 31, 2024:

Cadillac Asphalt, 2575 Haggerty Rd., Canton, MI 48188

M.D.O.T. 13A HMA	\$ 94.00 per ton
M.D.O.T. 36A HMA	\$ 93.00 per ton
Cold Patch UPM Delivered	\$145.00 per ton

FURTHER, the Council does hereby authorize an expenditure not to exceed \$90,000.00 from funds already budgeted in Account No. 101-463-782-000 for this purpose.

#349-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated October 19, 2023, which bears the signatures of the Director of Public Works and the Director of Finance, and is approved for submission by the Mayor, the Council does hereby approve the proposed 2024 Road Repair Program as proposed by the Department of Public Works and as reviewed by the Citizens Advisory Committee on roads for the second year of the ten-year road paving millage approved by Livonia residents, as shown in the attachment to that report.

#350-23 WHEREAS, the City of Livonia believes quality roads are a vital part of any community; and

WHEREAS, road improvements currently under construction or completed in 2023 by Wayne County Department of Public Service (WCDPS) to improve traffic safety and to encourage economic development are greatly appreciated for their continued efforts and investments as discussed by the Livonia Citizens Advisory Roads Committee during the meeting held on Wednesday, Oct. 18, 2023,

1. Rehabilitation on Inkster Road (WB Schoolcraft to 5 Mile Road), MDOT Local Agency Project (LAP), WO #47159 (currently under construction);
2. Rehabilitation on Wayne Road (Plymouth Road to Ann Arbor Trail), MDOT Local Agency Project (LAP), WO #47186 (currently under construction);
3. Rehabilitation of the Southbound Lane on Merriman Road just south of 8 Mile Road (Norfolk to Gable);
4. Resurfacing the asphalt lanes on Merriman Road between 6 Mile and 7 Mile Roads;
5. Resurfacing the asphalt lanes on 6 Mile Road between Farmington Road and Levan Road (currently under construction);
6. Resurfacing the intersection of 5 Mile and Newburgh Road;
7. Resurface the intersection of 6 Mile Road at Farmington Road;
8. Resurfacing Middlebelt Road between 5 Mile and 7 Mile Roads (currently under construction);
9. Resurfacing 8 Mile Road from the NB I-275 on / off ramps heading west towards Haggarty Road, including Haggarty Road from 8 Mile to entrance to Costco;
10. Reconstruction of the intersection at 7 Mile Road and Newburgh Road;
11. Concrete patches on Farmington Road (CSX Bridge to Plymouth Road);

12. Concrete patches on 8 Mile Road between Newburgh Road and I-275 on/off ramps;
13. Concrete patching on Eastbound dedicated turn lane on 7 Mile, west of Middlebelt; and
14. Merriman Road at Joy Road traffic modernization at the intersection.

WHEREAS, the Citizens Advisory Roads Committee identified roads that were in need of repair that were not under the jurisdiction of the City of Livonia, but Wayne County Department of Public Service; Furthermore, road repairs under construction or completed by WCPDS maintenance forces or direction by subcontractors, utilizing Act 51 and/or Federal Aid Committee (FAC) Funds were greatly appreciated for the investment and improvements to the road infrastructure.

NOW, THEREFORE BE IT RESOLVED, that the City Clerk deliver this resolution to Wayne County Executive Warren Evans, Wayne County Department of Public Service Engineering and Roads Division, and Wayne County Commissioner, Terry Marecki (District 9) and David Knezek, Jr. (District 8).

#351-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated October 19, 2023, submitted pursuant to Council Resolution 336-21, adopted on November 22, 2021, 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 amendment to the Engineering contract between the City of Livonia and OHM Advisors in connection with the 2024 Asphalt Road Program (Contract 24-A), 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, to provide design engineering services in connection with the 2024 Asphalt Road Program (Contract 24-A) in an amount not to exceed \$129,000.00, said amount being based on the preliminary cost estimates and subject to adjustment based on the actual bids; FURTHER, the aforesaid proposal is accepted without competitive bidding pursuant to Code of Ordinances Section 3.04.140.E.2.b; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$129,000.00 from funds budgeted in Account

No. 204-441-818-102 (Road, Sidewalk and Tree Fund) 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.

#352-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated October 19, 2023, submitted pursuant to Council Resolution 336-21, adopted on November 22, 2021, 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 amendment to the Engineering contract between the City of Livonia and Anderson, Eckstein and Westrick, Inc., 51301 Schoenherr Road, Shelby Township, Michigan 48315 for the 2024 Concrete Road Program (Contract 24-C), the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute the attached contract amendment between the City of Livonia and Anderson, Eckstein and Westrick, Inc., 51301 Schoenherr Road, Shelby Township, Michigan 48315, to provide design engineering services for the 2024 Concrete Road Repair Program (Contract 24-C) in an amount not to exceed \$193,500.00, said amount being based on the preliminary cost estimates and subject to adjustment based on the actual bids; FURTHER, the aforesaid proposal is accepted without competitive bidding pursuant to Code of Ordinances Section 3.04.140.E.2.b; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$193,500.00 from funds budgeted in Account No. 204-441-818-102 (Roads, Sidewalk and Tree Fund) 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.

#353-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated October 19, 2023, submitted pursuant to Council Resolution 336-21, adopted on November 22, 2021, 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 amendment to the Engineering contract between the City of Livonia and Anderson, Eckstein and Westrick, Inc., 51301

Schoenherr Road, Shelby Township, Michigan 48315 for design engineering services for the 2024 Concrete Road Maintenance/Selective Slab Program (Contract 24-J), the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute the attached contract amendment between the City of Livonia and Anderson, Eckstein and Westrick, Inc., 51301 Schoenherr Road, Shelby Township, Michigan 48315 to provide design engineering services for the 2024 Concrete Road Maintenance/Selective Slab Program (Contract 24-J), in an amount not to exceed \$84,800.00, said amount being based on the preliminary cost estimates and subject to adjustment based on the actual bids; FURTHER, the aforesaid proposal is accepted without competitive bidding pursuant to Code of Ordinances Section 3.04.140.E.2.b; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$84,800.00 from funds budgeted in Account No. 204-441-818-102 (Roads, Sidewalk and Tree Fund) 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.

#354-23 RESOLVED, that having considered a communication from the City Engineer, dated October 20, 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, concerning the inclusion in the local street system, for Act 51 revenue computation purposes, of the following streets:

Josephine Court
(Addition)

Length: 551.94 l.f.
Termini: Lyndon Avenue to End

Legal Description:

Part of the Southeast 1/4 of Section 19, T. 1 S., R. 9 E., City of Livonia, Wayne County, Michigan, described as follows: Commencing at the east 1/4 Corner of Section 19; thence N 89°56'25" W, 1,526.72 feet along the east-west 1/4 line of Section 19 to the west line of Castle Gardens Subdivision No. 5 as recorded in Liber 57, Pages 1-3, Wayne County Records; thence N 00°18'40" W, 19.82 feet along said west line of Castle Gardens

Subdivision No. 5 to the south right-of-way line of Lyndon Avenue; thence N 83°59'10" W, 331.00 feet along said south right-of-way line to the Point of Beginning of the Josephine Court right-of-way centerline; proceeding thence S 00°18'34" E, 371.83 feet; thence 180.11 feet along a 350.00 foot radius curve to the left, the chord of which bears S 14°56'32" E, 178.13 feet to the Point of Ending.

The Council does hereby authorize the City Engineer acting as the Street Administrator to apply to the Michigan Department of Transportation for the inclusion of said streets in the City's local street system for the purpose of computing the City's share of the Act 51 revenues.

AND BE IT FURTHER RESOLVED THAT the streets are approved public streets and are open for public purposes; and FURTHER, that said streets are accepted into the City's local street system and are located within a right-of-way under the control of the City of Livonia and that said streets were open to the public as of December 31, 2023.

#355-23 RESOLVED, that having considered the requests of Councilman Scott Bahr at the Study Meetings held October 16, 2023 and November 1, 2023, and a communication from the Council Office, dated October 17, 2023, requesting the Law Department to prepare a proposed ordinance limiting City mailings prior to election day to avoid the appearance of City resources being used to benefit current elected officials during campaign seasons, the Council does hereby refer this item to the Committee of the Whole for future consideration.

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

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

NAYS: None

Ordinance: Councilmember McCullough gave first reading to the following

An Ordinance amending Section 010 of Title 12, Chapter 16 (Parks and Playgrounds) of the Livonia Code of Ordinances, as amended.

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

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

Councilmember Morgan gave first reading to the following Ordinance:

An Ordinance amending Section 020 of Title 12, Chapter 18 (Naming of Public Places and Buildings) of the Livonia Code of Ordinances, as amended.

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

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

#356-23 RESOLVED, that having considered a communication from the City Planning Commission, dated October 18, 2023, which transmits its resolution #10-62-2023, adopted on October 17, 2023, with regard to Petition 2023-09-08-07, submitted by Soave Homes, requesting to develop a site condominium (Baci's Estates) consisting of five (5) single-family homes on the properties at 36143, 36155 and 36167 Parkdale Avenue, located on the south side of Parkdale Avenue between Arthur Avenue and Levan Road in the Northeast ¼ of Section 32, the Council does hereby concur in the recommendation of the Planning Commission and Petition 2023-09-08-07 is hereby approved and granted, subject to the following conditions:

1. The Site Plan identified as Sheet 3, dated October 13, 2023, prepared by Arpee/Donnan, Inc., is hereby approved and shall be adhered to;
2. All disturbed lawn areas, including road rights-of-way, shall be sodded in lieu of hydroseeding;
3. Sidewalks shall be provided along Parkdale and Levan as determined by the Engineering Department;
4. The first floor of the homes shall consist entirely of brick or another type of masonry product as approved by the Inspection Department;
5. 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 Ordinances, and Section 7.27 of the Livonia Zoning Ordinance, as amended;

6. The petitioner shall include language in the Master Deed and Bylaws that requires the condominium association to reimburse the City of Livonia for any maintenance or repair costs incurred for the stormwater detention/retention and outlet facilities and gives the City the right to impose liens in the event the charges are not paid within thirty (30) days;
7. This site shall meet either the City of Livonia or the Wayne County Storm Water Management Ordinance, whichever applies, and the developer shall secure a soil erosion and sedimentation control permit before commencing any grading activities on the site;
8. The developer and all contractors and subcontractors shall employ best management practices to prevent, reduce, and mitigate the problems associated with soil erosion and airborne dirt and dust from migrating off-site, including provisions for erosion control barriers, daily street sweeping, watering, and halting earthwork activities on days when the wind conditions are likely to cause a problem;
9. 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;
10. All required cash deposits, certified checks, irrevocable bank letters of credit, and/or surety bonds shall be deposited with the City prior to the issuance of engineering permits; and
11. Pursuant to Section 13.13 of the Livonia Zoning Ordinance, as amended, this approval is valid for a period of one year only from the date of approval by the City Council, and unless a building permit is obtained, this approval shall be null and void at the expiration of said period.

Brian Duggan, 14315 Denne, was present to answer any questions.

Jason Promo, 10000 Levan Road, indicated the neighborhood would like to see four ranch homes rather than two story condominiums. He asked why they are condominiums rather than single family homes.

President Jolly indicated the term condominium development is used for organizational purposes of the property, but they will function and look

like normal houses. The State Law Condominium Act is being used here to develop them in a particular way.

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

AYES: McCullough, Mcylntyre, Donovic, Morgan, and Jolly

NAYS: Bahr

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

#357-23 RESOLVED, that having considered the report and recommendation of the Information Systems Director, dated October 13, 2023, which bears the signature of the Director of Finance and is approved for submission by the Mayor, the Council does hereby approve of a five-year extension of the software maintenance and support agreement between the City of Livonia and Tyler Technologies, 840 West Long Lake Road, Troy, MI 48098, for New World ERP financial management, human resource management, and utility management software, for the period December 1, 2023 through November 30, 2028, for the initial annual cost of \$131,417.34 for December 1, 2023 to November 30, 2024, and the increase in annual maintenance fees for the subsequent four (4) renewals through November 30, 2028 not to exceed 5% of the previous year's fee; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$131,417.34 from funds already budgeted in Account No. 101-228-851-020 for this purpose; and the Mayor and City Clerk are hereby authorized to execute the Support Amendment, attached to the aforesaid communication, for and on behalf of the City of Livonia with the aforesaid company and to do all things necessary or incidental to the full performance of this resolution.

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

RESOLVED, that having considered a communication from the Superintendent of Parks and Recreation, dated October 18, 2023, which bears the signatures of the Director of Finance and the City Attorney, and is approved for submission by the Mayor, requesting approval to amend the agreement with the Charter Township of Canton, a Michigan Municipal Corporation, 1150 South Canton Center Road, Canton, Michigan 48188 ("Canton") attached thereto,

whereby Canton will reimburse the City of Livonia ("City"), at the resident rate, for use of the Jack E. Kirksey Recreation Center by members of Canton's recreation center (the "Summit") for the period November 1, 2023 until their pool renovation project is completed, the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute an amendment to the agreement for reimbursement of day passes between the City of Livonia and the Charter Township of Canton, 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.

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

AYES: Donovic, Morgan, and Jolly

NAYS: McCullough, Mcylntyre, and Bahr

The president declared the motion failed due to a lack of support.

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

#358-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated October 25, 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 extend the fencing by 1,050 lineal feet on the north side of the DPW yard in connection with the second phase of the DPW Fencing Replacement Project, pursuant to Council Resolution 274-23, adopted on September 7, 2023, the Council does hereby determine as follows:

1. Authorize an increase of the contract in an amount not-to-exceed \$98,248.50, bringing the total contract award to \$196,439.90 to Motor City Fence, 209 South Blvd E., Rochester Hills, Michigan 48307 from budgeted funds from FY 2024. The award should be on the basis of the bid unit prices and said amount to be adjusted based upon the quantities of work actually completed;
2. Authorize an expenditure from FY 2024 budgeted funds in an amount not-to-exceed \$98,248.50 for the DPW Fencing

Replacement Project from Account No. 401-000-974-000 (Land Improvement); and

2. 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 the not to exceed amount or to contract with other parties.

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

#359-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated October 25, 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 appropriation and expenditure in connection with the Robert and Janet Bennett Civic Center Library West Parking Lot Paving Project, the Council does hereby accept the quote of Nagle Paving Company, 36780 Amrhein, Livonia, Michigan 48150, for performing all work required in connection with the Robert and Janet Bennett Civic Center Library west parking lot paving project, as part of the city's efforts to maintain city-owned parking lots, utilizing the unit pricing established in contract 23-A with Nagle Paving Company, pursuant to Council Resolution No. 94-23, adopted on March 13, 2023, in an amount not to exceed \$37,375.00, 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; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$37,375.00 from funds budgeted in Account No. 401-000-974-000 for the Land Improvements, payable to Nagle Paving Company, Inc., 36780 Amrhein Road, Livonia, Michigan 48150; FURTHER, the Council does hereby authorize an amount not to exceed \$5,000.00 payable to OHM Advisors, 34000 Plymouth Road, Livonia, Michigan 48150 for testing and inspection for Robert and Janet Bennett Civic Center Library West Parking Lot Improvements from funds budgeted in Account No. 101-447-818-005 (Contractual Services – Consultant) for this purpose, payable to OHM Advisors, 34000 Plymouth Road, Livonia, Michigan 48150; 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; and the Mayor and City Clerk are hereby authorized to execute a contract, subject to approval as to form and substance by the Department of Law, for and on behalf of the City of Livonia with Nagle Paving Company, and to do all other things necessary or incidental to the full performance of this resolution.

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

#360-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated October 20, 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 Sheldon Center, LLC, a Michigan limited liability company, c/o Schostak, in conjunction with the construction of a storm drain system that provides adequate drainage for the Sheldon Park Village, located at 33111 Plymouth Road, in the Northwest 1/4 of Section 34, 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 south side of Plymouth Road, east of Farmington Road, in the N.W. ¼ of Section 34, which accommodates storm water from the Sheldon Park Village, located at 33111 Plymouth Road, with the maintenance agreement from the proprietor, Sheldon Center, LLC, a Michigan limited liability company, c/o Schostak, 33111 Plymouth Road, Livonia, Michigan 48150, 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.

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

#361-23 Resolved that the Council does hereby suspend their rules for procedure as outlined in Council Resolution #574-82 so as to permit consideration of items that do not appear on the agenda.

On a motion by Councilmember McCullough, supported by Councilmember Morgan, adopted it was:

#362-23 RESOLVED, that having considered an application from Ellen Burns, Co-President, Clarenceville Band Boosters, dated November 7, 2023, the Council does hereby take this means to indicate that the Clarenceville Band Boosters is recognized as a non-profit organization operating in the community, and the action herein being taken for the purpose of affording the Clarenceville Band Boosters the opportunity to qualify for a Charitable Gaming License or Registration from the State of Michigan in accordance with provisions of State statute.

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

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

NAYES: McIntyre

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

On a motion by Councilmember McCullough, supported by Councilmember Bahr, and unanimously adopted, this 1,981st Regular Meeting of the Council of the City of Livonia was adjourned at 7:35 p.m.

Susan M. Nash, City Clerk