

MINUTES OF THE ONE THOUSAND NINE HUNDRED EIGHTY SECOND**REGULAR MEETING DECEMBER 4, 2023**

On December 4, 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 McIntyre led the meeting with the Pledge of Allegiance.

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

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

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

#363-23 RESOLVED, that the Minutes of the 1,981st Regular Meeting of the Council held November 13, 2023 are approved as presented.

During Audience Communication Steve King, 33950 Coventry, spoke about the leaking atrium roof at the library and the deer population in Livonia.

Christopher Martin, Michigan resident, spoke about the library atrium roof.

President Jolly announced there is new data on item 14 and an X item on the agenda.

Councilmember McIntyre announced the retiring City employees. She also praised the Livonia Symphony Orchestra for the recent holiday performance.

Councilmember Bahr announced that the audio is not working on Spectrum tonight. He also spoke about a political mailer that went out with false accusations against him.

Vice President Toy thanked DPW for the leaf pick up.

Councilmember McIntyre spoke about management of the deer population and an upcoming meeting with the Urban Deer Coalition.

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

#364-23 RESOLVED, that having considered a communication from the Fire Chief, dated November 1, 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 ceiling acoustic grid and tiles, specifically 15/16" Donn Grid, New Armstrong Dune – second look tegular tile–2x4, from Professional Construction & Consultants, Inc., 29300 9 Mile Road, Farmington Hills, Michigan 48336, to include all labor for the removal of current and installation of new acoustic ceiling grid and tiles at three (3) Livonia Fire & Rescue Stations located at :

Fire Station 1 - 14910 Farmington Road, Livonia, MI 48154

Fire Station 5 - 18910 Middlebelt Road, Livonia, MI 48152

Fire Station 6 - 37876 Plymouth Road, Livonia, MI 48150

in a total amount not to exceed \$74,250.00; the same having been in fact the lowest bid received which meets all specifications; FURTHER, an amount not to exceed \$74,250.00 is hereby authorized to be expended from funds budgeted in Account No. 401-000-976-000 for this purpose; 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 the aforesaid bidder and to do all other

things necessary or incidental to the full performance of this resolution.

#365-23 RESOLVED, that having considered the report and recommendation of the Chief of Police, dated November 1, 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 trade-in of Sig Sauer weapons, and purchase of weapon mounted optic and light, for use by the Police Department, as follows:

Vance Outdoors, Inc., 3723 Cleveland Avenue, Columbus, OH 43224

Purchase (165) Sig Saur, Model P320, 9MM, at a cost of \$492.70 each, for a total amount not to exceed \$81,295.50.

Purchase (165) Magazine P320 X-Five Full-size/Carry, at a cost of \$38.00 each, for a total amount not to exceed \$6,270.00.

Trade in value (145) Sig Saur P226.9MM at a cost of \$380.00 each, for a total amount of \$55,100.00; and

Purchase (100) Safariland ALS-7TS, Concealment Holster, Sig Saur P320 at a cost of \$74.35 each, for a total amount not to exceed \$7,435.00.

Kiesler Police Supply, Inc., 2802 Sable Mill Road, Jefferson, IN 47130

Purchase (165) Streamlight TLR-7A Flex, Tactical weapon mounted light at a cost of \$108.00 each, for a total amount not to exceed \$17,820.00; and

Purchase (165) Holoscs-320-GR pistol mounted optic at a cost of \$303.75 each, for a total amount not to exceed \$50,118.75.

the same having been in fact the lowest bids received which meet all specifications; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$107,839.25 from funds budgeted in Account No. 101-304-971-000 (Capital Outlay-Minor) for this purpose; 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 the aforesaid bidders and to do all other things necessary or incidental to the full performance of this resolution.

#366-23 RESOLVED, that having considered the report and recommendation of the Chief of Police, dated November 1, 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 quote of Thermo Scientific Portable Analytical Instruments, Inc., 2 Radcliff Road, Tewksbury, MA 01876 for the purchase of one (1) Trunarc handheld chemical analyzer to replace outdated narcotic field test kit pouches currently in use, which causes increased officer safety issues due to the enormous increase in fentanyl proliferation, increasing overdoses and accidental exposure to officers, in a total amount not to exceed \$36,004.00; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$36,004.00 from Federal Forfeiture Funds Account No. 265-334-987-000 (Capital Outlay – Other Equipment) for this purpose; FURTHER, the Council does hereby authorize the action herein without competitive bidding in accordance with the provisions set forth in Section 3.04.140.E.3 of the Livonia Code of Ordinances, as amended, for the reason that Thermo Scientific Portable Analytical Instruments, Inc., is a sole source supplier and no advantage would result from requiring competitive bidding; 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 the aforesaid bidder and to do all other things necessary or incidental to the full performance of this resolution.

#367-23 RESOLVED, that having considered a communication from the Human Resources Director, dated November 2, 2023, which bears the signatures of the Director of Finance and the City Attorney, and is approved for submission by the Mayor, wherein it is recommended that the proposed 2023-2026 Collective Bargaining Agreement between the City of Livonia and the Livonia Police Officers Association (LPOA), as summarized in the tentative agreement attached to the aforesaid communication, be approved and adopted so as to effectuate the provisions set forth in the aforesaid agreement for the period December 1, 2023 through November 30, 2026, the Council does hereby approve of and concur in the aforesaid action of the civil service commission; and the Mayor and City Clerk are hereby requested to affix their signatures to the said agreement, for and on behalf of the City of Livonia, and to do all other things necessary or incidental to the full performance of this resolution.

#368-23 RESOLVED, that having considered the report and recommendation of the Superintendent of Parks and Recreation, dated November 2, 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 Tyler Technologies, Inc., 840 West Long Lake Road, Troy, Michigan 48098 for the purchase of ExecuTime Time and Attendance software to streamline staff time, attendance and scheduling, to be utilized by the Department of Parks and Recreation, in an initial amount not exceed \$44,413.00, with automatic annual renewals at a cost of \$16,333.00; the same to be expended annually from funds budgeted in Account No. 401-000-971-000 for this purpose, FURTHER, the Council does hereby authorize the said action without competitive bidding for the reason that ExecuTime Time and Attendance software is a sole source fully compatible with the Tyler Technology New World ERP, the City's current software for financial management and HR portal, and such action is taken in accordance Section 3.04.140.E.3 of the Livonia Code of Ordinances, as amended.

#369-23 RESOLVED, that having considered the report and recommendation of the Assistant Director of Public Works, dated October 4, 2023, which bears the signatures of the Director of Public Works and the Director of Finance, and is approved for submission by the Mayor, requesting that a list of designated vendors be approved to allow outside vendor services for equipment repairs and maintenance of the City's fleet, the Council does hereby approve of the designation of authorized vendors per the process set forth in the aforesaid communication and approve use of the referenced vendors to provide equipment repairs and maintenance of the city's fleet; further, the Council does hereby authorize amounts not to exceed \$280,000.00 for fiscal year 2023 and \$300,000.00 for fiscal year 2024 for this purpose, the same to be expended from funds budgeted in Account No. 101-443-933-050 (Equipment Maintenance – Outside Repairs); FURTHER, the Council does hereby authorize such action without competitive bidding due to the emergency described in the referenced communication, and such action is taken in accordance with Section 3.04.140.E.1 of the Livonia Code of Ordinances, as amended.

#370-23 RESOLVED, that having considered the report and recommendation of the Assistant Director of Public Works, dated October 26, 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 authorize the

purchase of one (1) Toro Groundsmaster 4110-D rotary mower with hydraulic broom attachment from Spartan Distributors, 487 W. Division Street, Sparta, MI 49345, in an amount not to exceed \$120,179.73, to replace a comparable unit that has exceeded its life expectancy, the same to be expended from funds already budgeted in Account No: 401-000-987-000 (Capital Outlay) 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 Sourcewell Contract Agreement No. 031121-TTC; and no advantage to the City would result from competitive bidding, 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 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 the aforesaid bidder and to do all other things necessary or incidental to the full performance of this resolution; FURTHER, the Council does hereby authorize the disposal of the replaced mower at public auction hosted by the Michigan Intergovernmental Trade Network (MITN) or commercial auction after receipt of the new mower.

#371-23 RESOLVED, that having considered the report and recommendation of the Assistant Director of Public Works, dated October 31, 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 authorize the purchase of one (1) Cub Cadet Pro Z zero turn mower from Weingartz, 32098 Plymouth Road, Livonia, MI 48150, in an amount not to exceed \$20,999.00, to replace a comparable unit that has exceeded its life expectancy, the same to be expended from funds already budgeted in Account No: 401-000-987-000 (Capital Outlay) 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 Sourcewell Contract Agreement No. 031121-MTD; and no advantage to the City would result from competitive bidding, 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 mower at public auction hosted by the Michigan Intergovernmental Trade Network (MITN) or commercial auction after receipt of the new mower.

#372-23 RESOLVED, that having considered the report and recommendation of the Assistant Director of Public Works, dated

October 31, 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 authorize the purchase of one (1) Toro Dingo TX1300 Skid Steer from Weingartz, 32098 Plymouth Road, Livonia, Mi 48150, in an amount not to exceed \$64,829.30, to replace a comparable unit that has exceeded its life expectancy, the same to be expended from funds already budgeted in Account No: 401-000-987-000 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 Sourcewell Contract Agreement No. 031121-TTC; and no advantage to the City would result from competitive bidding, 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 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 the aforesaid bidder and to do all other things necessary or incidental to the full performance of this resolution; FURTHER, the Council does hereby authorize the disposal of the replaced unit at public auction hosted by the Michigan Inter-governmental Trade Network (MITN) or commercial auction after receipt of the new unit.

#373-23 RESOLVED, that having considered the report and recommendation of the Assistant Director of Public Works, November 1, 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 authorize the purchase of one (1) 2024 John Deere Gator, Model XUV835M, with boss v-plow, salt spreader, and backhoe attachment, at a cost of \$54,392.20, and one (1) 2024 John Deere 3033R Utility Tractor, at a cost of \$35,059.05, for a total amount not to exceed \$89,451.25, from Hutson, Inc., 20801 Pontiac Trail, South Lyon, Mi 48178, for use by the Parks Maintenance Division and to replace two (2) current units that have surpassed their life expectancy; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$89,451.25 from funds budgeted for this purpose in the approved 2024 Capital Outlay budget, Account No. 401-000-987-000; FURTHER, the Council does hereby determine to authorize the said purchase without competitive bidding 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, inasmuch as the same is based upon the low State of Michigan MI-Deal bid price under Contract No. 071B770085 for the new tractor purchase; and no advantage to the City would result from competitive bidding; FURTHER, 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 the aforesaid bidder and to do all other things necessary or incidental to the full performance of this resolution; FURTHER, the Council does hereby authorize the disposal of the replaced units at public auction hosted by the Michigan Inter-governmental Trade Network (MITN) or commercial auction after receipt of the new units.

#374-23 RESOLVED, that having considered a communication from City Council President Jim Jolly, dated October 20, 2023, to which is attached a proposed schedule of Council Study and Regular Meetings for the period January 1, 2024 through December 31, 2024, the Council does hereby approve the following dates for City Council Meetings for 2024, subject to change with notice:

STUDY MEETINGS

Wednesday, January 3 (Starting time 8 PM)
Wednesday, January 17

Monday, January 29
Monday, February 12

Wednesday, February 28
Monday, March 11

Wednesday, March 20
Monday, April 1

Monday, April 15
Monday, May 6

Monday, May 20
Monday, June 3

Monday, June 17
Monday, July 1

Monday, July 15
Wednesday, August 7

Monday, August 26
Monday, September 9

REGULAR MEETINGS

Wednesday, January 17
Monday, January 29

Monday, February 12
Wednesday, February 28

Monday, March 11
Wednesday, March 20

Monday, April 1
Monday, April 15

Monday, May 6
Monday, May 20

Monday, June 3
Monday, June 17

Monday, July 1
Monday, July 15

Wednesday, August 7
Monday, August 26

Monday, September 9
Monday, September 23

Monday, September 23
Monday, October 7

Monday, October 7
Monday, October 21

Monday, October 21
Wednesday, November 6

Wednesday, November 6
Monday, November 18

Monday, November 18
Monday, December 2

Monday, December 2
Wednesday, December 18

*Subject to Change with Notice

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

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

NAYS: None

President Jolly reported on the Committee of the Whole meeting held on November 15, 2023.

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

#375-23 RESOLVED, that having considered the report and recommendation of the Committee of the Whole, dated November 15, 2023, submitted pursuant to Council Resolution 320-23, adopted on October 16, 2023, and a communication from the City Planning Commission, dated July 29, 2022, approved for submission by the Mayor, and a communication from Jonathan Hartzell, Stark Road Holdings, LLC, dated July 28, 2022, which in accordance with the provisions of Section 13.13(10) of the Livonia Zoning Ordinance, takes an appeal from a determination made on July 19, 2022, by the City Planning Commission in its resolution 07-41-2022 with regard to Petition 2022-06-02-14 submitted by Stark Road Holdings L.L.C., requesting to utilize a Class C liquor license (sale of beer, wine and spirits for consumption on the premises) in connection with the operation of a multi-purpose recreational facility (Livonia Athletic District) at 14255 Stark Road, located on the west side of Stark Road between Schoolcraft Road and Lyndon Avenue in the Southeast ¼ of Section 21, and the Council having conducted a public hearing with regard to this matter on Monday, September 12, 2022, the Council does hereby reject the recommendation made by the City Planning Commission and Petition 2022-06-02-14 is hereby approved and granted, subject to the following conditions:

1. All unpaid taxes or other City charges shall either be paid in full prior to final action of the City Council or be paid in full according to a specific payment schedule as approved by the City Council, the City Finance Department, or the City Treasurer;
2. The serving and consumption of alcohol in connection with a Class C license at this location shall be limited to the interior of the existing building, and there shall be no serving or consumption of alcohol on the property outside of the building;
3. The serving and consumption of alcohol shall be limited to the areas shown on the Enlarged Floor Plans, Sheets A/4.01 thru A/4.07, dated June 16, 2022, as prepared by Five Eighths;
4. That the operation of a Class C liquor license at this location complies with all of the general waiver use standards and requirements as set forth in Sections 3.04 and 5.02 of the Livonia Zoning Ordinance, as amended;
5. That the subject site has the capacity to accommodate the proposed use; and
6. That providing alcohol beverages at this location is an amenity that customers of the facility have requested and will allow LAD to retain and increase membership to become more economically viable.

Steve King, 33950 Coventry spoke against allowing alcohol at LAD.

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

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

NAYS: Toy, Morgan

President Jolly declared the motion passed.

On a motion by Councilmember McCullough, supported by Vice

President Toy and adopted, it was:

#376-23 RESOLVED, that having considered the report and recommendation of the Committee of the Whole, dated November 15, 2023, submitted pursuant to Council Resolution 305-23, adopted on October 2, 2023, and 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 reject the recommendation made by the City Planning Commission and Petition 2023-06-02-06 is hereby denied for the following reasons:

1. The petitioner has failed to comply with all special and general standards and requirements as outlined in Sections 5.02 and 13.13 of the Livonia Zoning Ordinance, as amended;
2. The petitioner failed to demonstrate a need to use the Planned General Development option to develop the subject property;
3. Per Zoning Ordinance Section 13.13(6)(A), the proposed use is incompatible and not in harmony with the underutilized existing storage facilities in the vicinity;
4. The proposal significantly impacts adjoining parcels, public services, and community planning efforts and is particularly unappealing compared to development anticipated in that vicinity;
5. That approving this request would allow a use that is inconsistent with the surrounding land uses and the status of the subject property as a mixed development center pursuant to Book Two of the Livonia Vision 21 Master Plan; and

6. The petitioner has failed to comply with all the necessary concerns for the safety and welfare of the City and its residents.

Dennis Cowan, Petitioner representative, explained they met all requirements put forth by the City and hopes that their petition will be approved.

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

AYES: Toy, Donovic, McCullough, and Morgan

NAYS: McIntyre, Bahr, and Jolly

President Jolly declared the motion passed and the item has been denied.

President Jolly reported on the Committee of the Whole Meeting held November 20, 2023.

On a motion by Councilmember McCullough, supported by Vice

President Toy and unanimously adopted, it was:

#377-23 RESOLVED, that having considered the report and recommendation of the Committee of the Whole, dated November 20, 2023, submitted pursuant to Council Resolution 130-23, adopted on May 8, 2023, regarding the subject matter of vacant and abandoned fee schedule, the Council does hereby refer this item to the Ordinance Enforcement and Law Departments for report and recommendation by each department regarding costs expended and comparables from other communities regarding vacant and abandoned buildings.

This item will remain in committee.

On a motion by Councilmember Bahr, supported by

Councilmember McIntyre and unanimously adopted, it was:

#378-23 RESOLVED, that having considered the report and recommendation of the Committee of the Whole, dated November 20, 2023, submitted pursuant to Council Resolution 221-23, adopted on July 24, 2023, regarding the subject matter of city user fees, the Council does hereby refer this item to the Administration for report and recommendation regarding fees currently being charged by the City and whether they require Council approval.

This item will remain in committee.

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

#379-23 RESOLVED, that having considered the report and recommendation of the Committee of the Whole, dated November 15, 2023, submitted pursuant to Council Resolution 288-23, adopted on September 18, 2023, and a communication from the City Planning Commission, dated August 24, 2023, which transmits its resolution #08-55-2023, adopted on August 15, 2023, with regard to Petition 2023-07-08-06 submitted by Leo Soave Building Company, L.L.C., requesting approval of the Master Deed, Bylaws and site plan to develop a site condominium (Sunset View) consisting of eleven (11) single-family homes on the property at 30250 Morlock Avenue located on the west side of Sunset Avenue between Fargo Avenue and Eight Mile Road in the Northwest $\frac{1}{4}$ of Section 2, and further having considered several email communications from City residents in opposition to Petition 2023-07-08-06, the Council does hereby concur in the recommendation of the Planning Commission and Petition 2023-07-08-06 is hereby approved and granted, subject to the following conditions:

1. The Site Plan identified as Sheet CS-100, dated November 20, 2023, as revised, prepared by Angle Design & Engineering, is hereby approved and shall be adhered to;
2. The Landscape Planting Plan, identified as Sheet LP-1, and the Landscape Notes & Details, identified as Sheet LP-2, dated August 31, 2023, as revised, prepared by Nagy Devlin Land Design, are hereby approved and shall be adhered to;
3. All disturbed lawn areas, including road rights-of-way, shall be sodded in lieu of hydroseeding;
4. Underground sprinklers are to be provided for all landscaped and sodded areas, and all planted materials shall be installed to the satisfaction of the Inspection Department and thereafter permanently maintained in a healthy condition;
5. A sidewalk shall be installed throughout the development to the satisfaction of the Engineering Department;
6. 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;

7. 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;
8. 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;
9. 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;
10. No entrance marker is approved with this petition, and any permanent signage shall be separately submitted for review and approval by the Planning Commission and City Council;
11. 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
12. 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.

The following residents spoke in opposition of the project:

Paul Abbott, 20226 Sunset
Michael Doyle, 20210 Sunset
Colleen Bagero, 17415 Sunset

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

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

NAYS: McCullough

President Jolly declared the motion passed.

President Jolly relinquished the gavel at 8:01 p.m. to avoid a professional conflict.

Vice President Toy reported on the Committee of the Whole Meeting held November 27, 2023.

A Communication regarding the follow-up data requested at the Committee of the Whole Meeting held November 27, 2023, received via email on November 28, 2023, from Andrew P. Wiseman, Project Manager, Nowak & Fraus Engineers, was received and placed on file for the information of the Council.

A Communication with the updated preliminary Site Plan package, dated November 3, 2023, and the Re-Zoning sketch, dated November 16, 2023, received via email on November 28, 2023, from Andrew P. Wiseman, Project Manager, Nowak & Fraus Engineers, was received and placed on file for the information of the Council.

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

#380-23 RESOLVED, that having considered the report and recommendation of the Committee of the Whole, dated November 27, 2023, submitted pursuant to Council Resolution 308-23, adopted on October 2, 2023, and 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-l/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 approve Petition 2022-12-01-02 for preparation of the Ordinance for submission to Council; and the City Planner is hereby instructed to cause the necessary map for publication to be prepared indicating the zoning change herein approved and to furnish the same to the Department of Law and, upon receipt of such map, the Department of Law is requested to prepare an ordinance amending the Livonia Zoning Ordinance, as amended, in accordance with this resolution.

The following residents spoke in opposition to the rezoning of the property:

Emilija Vilkaite, 31716 Curtis Road
Kevin Skylis, 30528 Jeannine
Caitlyn, 30528 Jeannine
Mike Bertges, 30825 Mayville

Brandon Grysko, representative for Basilica of St. Mary, and Robert, the Parrish Council Chairman, spoke in favor of the rezoning of the property.

A representative from the Basililca of St. Mary explained the EGLE response.

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

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

NAYS: McCullough

Vice President Toy declared the motion passed.

President Jolly resumed the chair at 8:38 p.m.

Councilmember Bahr gave first reading to the following Ordinance:

AN ORDINANCE AMENDING SECTION 7 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 2023-09-01-05)

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.

The petitioner spoke about the intentions for Petition No. 2023-09-01-05).

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

AN ORDINANCE AMENDING SECTION 010 OF TITLE 12, CHAPTER 16 (PARKS AND PLAYGROUNDS) OF THE LIVONIA CODE OF ORDINANCES, AS AMENDED.

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

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

NAYS: None

President Jolly declared the Ordinance passed.

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

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

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

NAYS: None

President Jolly declared the Ordinance passed.

A Communication from the Office of the Mayor, dated November 7, 2023, submitted pursuant to Council Resolution 214-23, adopted on July 10, 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:

#381-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated November 6, 2023, which bears the signature of the Director of Public Works, and is approved for submission by the Mayor, the Council does hereby authorize the release to Heritage Square Livonia LLC c/o Enrico Soave, Kucyk, Soave & Fernandes, P.L.L.C., 37771 Seven Mile Road, Suite C, Livonia, Michigan 48150, the proprietor of Heritage Square Site Condominium, located on the east side of Newburgh Road, south of Six Mile Road in the Northwest ¼ of Section 17, the financial assurances in the amount of \$25,750.00, previously deposited pursuant to Council Resolution 403-18, adopted on November 19, 2018, specifically:

a) Sidewalk	\$10,000.00
b) Entrance & Landscaping	\$ 7,500.00
c) Monuments & Markers	\$ 2,500.00
d) Public Utility	\$ 5,000.00
e) Site Development	\$ 750.00

The General Improvement Bond and the Soil Erosion Bonds were previously released and the As-Built Drawing Bond in the amount of \$10,000.00 will be retained until its requirements have been met.

FURTHER, all other financial assurances now on deposit with the City, if any, with respect to this subdivision shall remain the same and unchanged; and the action herein being taken is for the reasons indicated in the aforementioned report of the City Engineer that all these improvements have been satisfactorily installed in accordance with the rules and regulations and ordinances of the City of Livonia.

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

#382-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated November 6, 2023, which bears the signatures of the Director of Public Works and the Director of Finance, and is approved for submission by the Mayor, to which is attached a summary outlining the final allocation of costs in connection with the 2022 Sidewalk Program (Contract 22-G), pursuant to Council Resolution #118-22, adopted on April 4, 2022, the Council does hereby determine as follows:

1. To establish the final project cost at \$678,410.76 (this includes the 10% Engineering Division's administrative fee) of which \$134,904.50 is to be charged to Single Lot Assessments and a total of \$543,506.26 which is to be charged to the following City funds: \$407,000.75 to the Road, Sidewalk and Tree Fund, Account No. 204-447-977-010; \$118,722.25 to the Michigan Transportation Fund (Local Road – Distributed Sidewalk Cost), Account No. 203-451-977-010; \$2,210.25 to the Michigan Transportation Fund (Major Road – Distributed Sidewalk Cost), Account No. Balance of the Water and Sewer Fund (592). Also included in the final project cost is \$223.36 for the AT&T damaged walk; \$224.97 for the 202-451-977-010; and \$13,871.00 to the Unexpended Fund DTE damaged walk; \$554.79 for the Sod Solutions damaged walk; and \$698.89 for the Contractor permitted damaged walk, these costs will be billed to and paid for by each entity; and
2. To allocate project costs as set forth below:

2022 SIDEWALK PROGRAM - Contract Award Amount -- \$652,935.00

A. Final Cost Information:

Construction Costs (Rotondo)	\$607,646.15
†Construction Costs (Precision)	\$10,000.00
Administrative Fee (10%)	<u>\$60,764.61</u>
Total Project Cost	<u>\$678,410.76</u>

B. Apportionment of Costs:	<u>Final Costs</u>	<u>Authorized</u>	Additional to be <u>Authorized</u>
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Total Single Lot Assessment	\$134,904.50	\$132,257.84	\$2,646.66
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Total City Participation

Tree Root Repairs	\$407,000.75	\$450,000.00	(\$42,999.25)
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ADA Ramps

Local Roads	\$118,722.25	\$99,270.66	\$19,451.59
Major Roads	\$2,210.25	\$6,500.00	(\$4,289.75)

Water & Sewer Repairs	\$13,871.00	\$18,200.00	(\$4,329.00)
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AT&T Damaged Walk	\$223.36	\$0.00	\$223.36
DTE Damaged Walk	\$224.97	\$0.00	\$224.97
Sod Solutions Damaged Walk	\$554.79	\$0.00	\$554.79
Contractor Damaged Walk (Forfeited Bond Fund)	\$698.89	\$0.00	\$698.89

Total Project Cost	<u>\$678,410.76</u>	<u>\$706,227.87</u>
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On a motion by Councilmember Bahr, supported by

Councilmember McCullough and unanimously adopted, it was:

#383-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated November 6, 2023, which bears the signatures of the Director of Public Works and the Director of Finance, and is approved for submission by the Mayor, to which is attached a summary outlining the final allocation of costs in connection with the 2023 Sidewalk Program (Contract 23-G), pursuant to Council Resolution #71-23, adopted on February 27, 2023, the Council does hereby determine as follows:

1. To establish the final project cost at \$955,705.23 (this includes the 10% Engineering Division's administrative fee) of which \$148,010.36 is to be charged to Single Lot

Assessments and a total of \$807,694.87 which is to be charged to the following City funds: \$626,629.99 to the Road, Sidewalk and Tree Fund, Account No. 204-447-977-010; \$139,046.05 to the Michigan Transportation Fund (Local Road – Distributed Sidewalk Cost), Account No. 203-451-977-010; \$13,335.85 to the Michigan Transportation Fund (Major Road – Distributed Sidewalk Cost), Account No. 202-451-977-010; and \$22,804.65 to the Unexpended Fund Balance of the Water and Sewer Fund (592). Also included in the final project cost is \$4,632.63 for the Sod Solutions damaged walk; and \$1,245.70 for the Contractor permitted damaged walk, these costs will be billed to and paid for by each entity; and

2. To allocate project costs as set forth below:

2023 SIDEWALK PROGRAM - Contract Award Amount -- \$914,967.20

A. Final Cost Information:

Construction Costs (Rotondo)	\$843,151.40
†Construction Costs (Precision)	\$28,238.69
Administrative Fee (10%)	<u>\$84,315.14</u>
Total Project Cost	<u>\$955,705.23</u>

B. Apportionment of Costs:	<u>Final Costs</u>	<u>Authorized</u>	Additional to be <u>Authorized</u>
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*Total Single Lot Assessment	*\$148,010.36	\$164,798.26	(\$16,787.90)
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Total City Participation

Tree Root Repairs	\$626,629.99	\$661,966.11	(\$35,336.12)
ADA Ramps			
Local Roads	\$139,046.05	\$119,704.25	\$19,341.80
Major Roads	\$13,335.85	\$9,842.00	\$3,493.85
Water & Sewer Repairs	\$22,804.65	\$18,803.30	\$4,001.35
Sod Solutions Damaged Walk	\$4,632.63	\$0.00	\$4,632.63
Contractor Damaged Walk (Forfeited Bond Fund)	\$1,245.70	\$0.00	\$1,245.70
Total Project Cost	<u>\$955,705.23</u>	<u>\$975,113.92</u>	

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

#384-23 RESOLVED, that having considered a communication from the Department of Law, dated November 1, 2023, approved for submission by the Mayor, transmitting for Council acceptance of a Grant of Easement from Aletha B. Phipps Apartments, LLC, executed by Brad Emmett, Its Member/Owner for a public utility easement in connection with the construction of a water main at the subject location in the Northeast 1/4 of Section 21, more particularly described as:

12-Foot Wide Water Main Easement

A 12-foot wide water main easement lying 6.00 feet each side of the centerline, over Parcel 081-99-0018-001 of part of the Northeast 1/4 of Section 21, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan. More fully described as: commencing at the Northeast ¼ Corner of said Section 21; thence South 1308.90 feet along East line of said Section 21; thence S 89°54'20" W 33.00 feet; thence S 05°06'31" W 144.19 feet; thence N 89°41'00" W 245.25 feet; thence S 61°12'54" W 64.46 feet to the Point of Beginning; thence along the centerline of said 12.00 foot wide easement S 28°47'06" E 10.39 feet; thence S 03°35'42" E 88.78 feet to the Point of Ending.

The Council does hereby, for and on behalf of the City of Livonia, accept the aforesaid grant of easement and the City Clerk is hereby requested to have the same recorded in the office of The Register

of Deeds and to do all other things necessary or incidental to fulfill the purpose of this resolution.

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

#385-23 RESOLVED, that having considered a communication from the Department of Law, dated November 9, 2023, approved for submission by the Mayor, the Council does hereby authorize the Department of Law to resolve the claims brought on behalf of Middlebelt Plymouth Venture LLC, U.S. District Court Case No. 2:22-cv-12734, as detailed in the Consent Judgment and plans, and the Department of Law is hereby authorized to do all things necessary or incidental to the full performance of this resolution.

The following residents gave their opinion about the settlement.

Steve King
Jeannie Sullivan, 29944 Orangelawn
Cheryl Lupu, 29864 Orangelawn

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

AYES: McIntyre, Toy, Bahr, and Donovic

NAYS: Morgan, McCullough, and Jolly

President Jolly declared the motion passed.

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

#386-23 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 Vice President Toy, supported by Councilmember McCullough and unanimously adopted, it was:

#387-23 RESOLVED, that having considered a communication from the Director of Housing, dated November 29, 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 Amy Spicer of the city-owned

scattered site housing property, located at 35546 Orange-Lawn, Livonia, Michigan 48150, which was acquired by the City of Livonia on November 8, 2002, utilizing Federal Community Development Block Grant (CDBG) program funds, further described as:

32H282 Country Homes No 2 T1S R9E L77 P58 59 60 WCR LOT 282, for the total purchase price of \$245,500.00;

the action herein being taken in order to best serve the interests of the community and in accordance with Section 3.05.090.B of the Livonia Code of Ordinances, as amended; 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.

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 1,982nd Regular Meeting of the Council of the City of Livonia was adjourned at 9:12 p.m.

Susan M. Nash, City Clerk