OFFICE OF THE COUNCIL

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33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2250
E-mail: citycouncil@livonia.gov

OFFICE OF THE COUNCIL

ELECTRONIC AGENDA PACKET FOR THE REGULAR MEETING OF MONDAY, FEBRUARY 22, 2021 7:00 P.M.

The electronic agenda is compiled, produced and distributed by the City Council Staff.
(734) 466-2250

The official documents are on file in the City Clerk's office.

AGENDA

1,915th Regular Meeting of the Council of the City of Livonia
Monday, February 22, 2021

7:00 PM

* Due to COVID-19, Livonia City Council meetings will not be held in the City Hall Auditorium
Live broadcast: AT&T Uverse Channel 99 / Spectrum Channel 203 /
WOW Channel 10 / YouTube.com/LivoniaTV
Connect on Zoom: https://us02web.zoom.us/j/822419226 or phone at (312) 626-6799, ID: 822 419 226
To participate, use the 'Raise Hand' button on Zoom or press *9 on your phone to be called on

CALL TO ORDER

INVOCATION/PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION OF MINUTES

Approval of Minutes Of The 1,914th Regular Meeting Of February 8, 2021

AUDIENCE COMMUNICATION

REPORTS FROM THE MAYOR AND OTHER CITY OFFICIALS

CONSENT AGENDA

1) REAPPOINTMENT OF LYNDA SCHEEL TO THE LIVONIA BROWNFIELD REDEVELOPMENT AUTHORITY: Office of the Mayor, re: for a three year term which will expire on November 24, 2023.

2) REAPPOINTMENT OF JACK ENGEBRETSON TO THE LIVONIA BROWNFIELD REDEVELOPMENT AUTHORITY: Office of the Mayor, re: for a three year term which will expire on November 24, 2023.

3) REAPPOINTMENT OF STEVEN VANDETTE TO THE LIVONIA BROWNFIELD REDEVELOPMENT AUTHORITY: Office of the Mayor, re: for a three year term which will expire on November 24, 2023.

4) REQUEST FOR AUTHORIZATION TO PURCHASE FIVE (5) POWER LOAD AMBULANCE COT LOADING SYSTEMS: Livonia Fire Department, re: to replace equipment that has exceeded the life expectancy and improve worker and patient safety, from budgeted funds.

5) REQUEST FOR AUTHORIZATION TO CONTRACT FOR PRESSURE REDUCING VALVE (PRV) REPLACEMENT: Department of Public Works, re: to facilitate the project of installing a PRV at 8 Mile & Newburgh (PRV-4) in the amount of $30,700. (CR 365-16), from the Unexpended Fund balance.

6) REQUEST TO APPROVE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE GREAT LAKES WATER AUTHORITY AND THE CITY OF LIVONIA: Department of Public Works, re: for improvements affecting westbound Schoolcraft Road from Melvin Street to Middlebelt Road in an amount not to exceed $603,946.29, from budgeted funds.

7) REQUEST TO APPROVE FINAL COST INFORMATION AND TO AUTHORIZE ADDITIONAL APPROPRIATION AND EXPENDITURE: Engineering Division, re: for the 2020 Sidewalk Program - Contract 20-G. (CR 123-20)

8) REQUEST TO EXTEND CONTRACT WITH JV CONTRACTING INC.: Engineering Division, re: for the 2021 Lane Line Marking Program (Contract 21-H) at the unit prices from the 2020 contract unit prices, from budgeted funds. (CR 124-20)

9) REQUEST TO APPROVE PROPOSED 2021 SIDEWALK REPAIR PROGRAM: Engineering Division, re: to include two target areas, one in Section 18 and one along Merriman Road from Schoolcraft Road to Five Mile Road, along with scattered locations throughout the City. (CR 784-82)

UNFINISHED BUSINESS

10) ROLL CALL: Proposed Amendment to Zoning Ordinance No. 543, as amended: Department of Law, re: Petition 2020-09-06-02, to amend Section 31.03 - Uses Permitted, to expand the list of permitted uses to include beneficial forest management practices, such as the removal of invasive species, and selective trail construction in accordance with the City's Master Parks and Recreation Plan and nonmotorized transportation plan, Livonia Bike Walk. (CR 12-21)
First Reading given by Councilmember Scott Bahr on Monday, February 8, 2021.

11) REQUEST FOR WAIVER USE EXTENSION TO NEW USER: Melissa Wojnar-Raycraft, representative of Mike Cox Law Firm, on behalf of XiaoPing Hoob, re: Petition 2014-10-02-14, submitted by Elite Foot Spa, LLC, to operate a massage establishment on property located on the southeast corner of Plymouth and Stark Roads {34389 Plymouth Road) in the Northeast 1/4 of Section 33. (CR 373-14)

12) REQUEST FOR APPROVAL OF COMMITMENT AND RESOLUTION FOR THE CITY OF LIVONIA TO JOIN AARP'S AGE-FRIENDLY COMMUNTIES NETWORK: Housing Commission, re: as part of Livonia's Five-Year Consolidated Plan to promote successful aging and improve the quality of life for all residents.

13) ADMINISTRATIVE RESPONSE TO CR 19-21: Department of Parks and Recreation, re: subject matter of the Silver Sneakers membership program at the Jack E. Kirksey Recreation Center.

NEW BUSINESS

14) ACCEPTANCE OF DONATIONS: Department of Parks and Recreation, re: of cash and gifts from various contributors to be used for the purposes as designated by donors.

AUDIENCE COMMUNICATION

SUSAN M. NASH, CITY CLERK

In accordance with Title II of the American with Disabilities Act as it pertains to access to Public Meetings, the City Clerk's Office of the City of Livonia, upon adequate notice, will make reasonable accommodations for persons with special needs. Please call (734) 466-2236 or email clerk@livonia.gov if you need assistance. **Council agendas are available on the City's website – www.livonia.gov - under Government, City Council, Agendas.**

CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD FEBRUARY 8, 2021

Meeting was called to order via Zoom remote technology at 8:00 p.m. by President Kathleen McIntyre. Present: Jim Jolly (Livonia, Michigan); Laura Toy (Livonia, Michigan); Scott Bahr (Livonia, Michigan); Cathy White (Livonia, Michigan); Brandon McCullough (Livonia, Michigan); Rob Donovic (Deployed); and President Kathleen McIntyre (Livonia, Michigan). Absent: None.

2) REAPPOINTMENT OF LYNDA SCHEEL TO THE LIVONIA BROWNFIELD REDEVELOPMENT AUTHORITY: Office of the Mayor, re: for a three year term which will expire on November 24, 2023.

Lynda Scheel, City Treasurer, was present to accept the reappointment. She stated it's my honor to again be chosen to serve on the Brownfield Authority and I look forward to it.

Vice Present Bahr offered an approving resolution for the Consent Agenda.

DIRECTION: APPROVING CONSENT

REPORT TO THE LIVONIA CITY COUNCIL

Mayor's Office
January 26, 2021

MEETING DATE	PREPARED BY
February 8, 2021	Janice Centers, Executive Assistant to the Mayor - Program Supervisor,

AGENDA ITEM

REAPPOINTMENT OF LYNDA SCHEEL TO THE LIVONIA BROWNFIELD REDEVELOPMENT AUTHORITY: Office of the Mayor, re: for a three year term which will expire on November 24, 2023.

BACKGROUND

RECOMMENDATION

TO: HONORABLE MEMBERS OF THE CITY COUNCIL
FROM: MAYOR MAUREEN MILLER BROSNAN
RE: Reappointment of Lynda Scheel to the Livonia Brownfield Redevelopment Authority

Dear Council Members:

I am herewith submitting to you, for your consideration and approval, the reappointment of Lynda Scheel, 19980 Mayfield, Livonia, MI 48152, as a member of the Livonia Brownfield Redevelopment Authority for a term of three years which will expire on November 24, 2023.

Your favorable consideration in this matter will be appreciated.

FISCAL CONSIDERATION

ATTACHMENTS

None

APPROVED BY

Date: January 28, 2021

Maureen Miller Brosnan, Mayor

Meeting was called to order via Zoom remote technology at 8:00 p.m. by President Kathleen McIntyre. Present: Jim Jolly (Livonia, Michigan); Laura Toy (Livonia, Michigan); Scott Bahr (Livonia, Michigan); Cathy White (Livonia, Michigan); Brandon McCullough (Livonia, Michigan); Rob Donovic (Deployed); and President Kathleen McIntyre (Livonia, Michigan). Absent: None.

3) REAPPOINTMENT OF JACK ENGEBRETSON TO THE LIVONIA BROWNFIELD REDEVELOPMENT AUTHORITY: Office of the Mayor, re: for a three year term which will expire on November 24, 2023.

Jack Engebretson was present to accept the reappointment.

Councilmember Toy offered an approving resolution for the former Mayor Jack Engebretson.

Mr. Engebretson stated I would like to take a few moments to thank the Mayor for the reappointment opportunity, the recommendation and the Council giving that recommendation consideration. Madam President, I would ask for you to grant me a point of personal privilege for the purpose of me directing a brief comment through the Chair to Councilmember Donovic. He said Councilman Donovic, as a long term City official, and as a U.S. Air Force Veteran, I want to thank you for your service to our community and to our nation and I hope when you return to the City that I will have the opportunity to thank you in person. He then said Madam President, I'd like to commend you and all of your colleagues for continuing to conduct important business via Zoom during these very difficult times. I know from my own personal experience how difficult it is to conduct serious business virtually and you are all to be commended for doing a really great job.

President McIntyre thanked Mr. Engebretson and stated I think it is an honor and the privilege of everyone on City Council to have this opportunity to reappoint you. As we were naming off positions that Lynda Scheel has held, there are many, many that you have held as well. Certainly Mayor, City Council President, Planning Commission and have served our community in many other ways, some visible and some completely invisible by your design because as I've often remarked there's nothing about Jack Engebretson that is a show horse. Thank you for your service and I personally enjoy being able to be part of re-welcoming you back to Planning and you do an extraordinary job as the Chair and thank you, it's a lot of work. It's a commission that entails a lot of work and a lot of research and a lot of understanding a lot of details and the Commission is in excellent hands under your leadership and with the very capable Commissioners we have including Treasurer Scheel and Mr. Vandette, whose reappointment we're about to take up. Thank you so much former Mayor Engebretson.
DIRECTION: APPROVING CONSENT

REPORT TO THE LIVONIA CITY COUNCIL

Mayor's Office
February 9, 2021

MEETING DATE	PREPARED BY
February 22, 2021	Janice Centers, Executive Assistant to the Mayor - Program Supervisor,

AGENDA ITEM

REAPPOINTMENT OF JACK ENGEBRETSON TO THE LIVONIA BROWNFIELD REDEVELOPMENT AUTHORITY: Office of the Mayor, re: for a three year term which will expire on November 24, 2023.

BACKGROUND

RECOMMENDATION

TO: HONORABLE MEMBERS OF THE CITY COUNCIL
FROM: MAYOR MAUREEN MILLER BROSNAN
RE: Reappointment of Jack Engebretson to the Livonia Brownfield Redevelopment Authority

Dear Council Members:

I am herewith submitting to you, for your consideration and approval, the reappointment of Jack Engebretson, 18871 Comstock, Livonia, MI 48152, as a member of the Livonia Brownfield Redevelopment Authority for a term of three years which will expire on November 24, 2023.

Your favorable consideration in this matter will be appreciated.

FISCAL CONSIDERATION

ATTACHMENTS

None

APPROVED BY

Date: January 28, 2021

Maureen Miller Brosnan, Mayor

Meeting was called to order via Zoom remote technology at 8:00 p.m. by President Kathleen McIntyre. Present: Jim Jolly (Livonia, Michigan); Laura Toy (Livonia, Michigan); Scott Bahr (Livonia, Michigan); Cathy White (Livonia, Michigan); Brandon McCullough (Livonia, Michigan); Rob Donovic (Deployed); and President Kathleen McIntyre (Livonia, Michigan). Absent: None.

4) REAPPOINTMENT OF STEVEN VANDETTE TO THE LIVONIA BROWNFIELD REDEVELOPMENT AUTHORITY: Office of the Mayor, re: for a three year term which will expire on November 24, 2023.

Councilmember Toy offered an approving resolution for the Consent Agenda.

DIRECTION: APPROVING CONSENT

REPORT TO THE LIVONIA CITY COUNCIL

Mayor's Office
February 9, 2021

MEETING DATE	PREPARED BY
February 22, 2021	Janice Centers, Executive Assistant to the Mayor - Program Supervisor,

AGENDA ITEM

REAPPOINTMENT OF STEVEN VANDETTE TO THE LIVONIA BROWNFIELD REDEVELOPMENT AUTHORITY: Office of the Mayor, re: for a three year term which will expire on November 24, 2023.

BACKGROUND

RECOMMENDATION

TO: HONORABLE MEMBERS OF THE CITY COUNCIL
FROM: MAYOR MAUREEN MILLER BROSNAN
RE: Reappointment of Steven Vandette to the Livonia Brownfield Redevelopment Authority

Dear Council Members:

I am herewith submitting to you, for your consideration and approval, the reappointment of Steven Vandette, 15933 Swathmore, Livonia, MI 48154, as a member of the Livonia Brownfield Redevelopment Authority for a term of three years which will expire on November 24, 2023.

Your favorable consideration in this matter will be appreciated.

FISCAL CONSIDERATION

ATTACHMENTS

None

APPROVED BY

Date: January 28, 2021

Maureen Miller Brosnan, Mayor

Meeting was called to order via Zoom remote technology at 8:00 p.m. by President Kathleen McIntyre. Present: Jim Jolly (Livonia, Michigan); Laura Toy (Livonia, Michigan); Scott Bahr (Livonia, Michigan); Cathy White (Livonia, Michigan); Brandon McCullough (Livonia, Michigan); Rob Donovic (Deployed); and President Kathleen McIntyre (Livonia, Michigan). Absent: None.

5) REQUEST FOR AUTHORIZATION TO PURCHASE FIVE (5) POWER LOAD AMBULANCE COT LOADING SYSTEMS: Livonia Fire Department, re: to replace equipment that has exceeded the life expectancy and improve worker and patient safety, from budgeted funds.

Dave Heavener, Fire Chief, presented this request to Council. He stated tonight I am here to request an approving resolution to purchase five new stretchers from Stryker Corporation. These are the same style stretchers that are currently in use and they are used on frontline equipment on a daily basis. They provide an increased level of safety to our firefighters by reducing injuries, increased safety for the patients during transport and makes for a safe overall transport experience with the community. Currently the life expectancy per the manufacturer of this equipment is about seven years and the five stretchers that we are looking to replace average 10.5 years in daily service. So this is an item that we budgeted for the 2021 Capital Outlay and requesting permission to go ahead with that purchase.

Councilmember Toy asked if Stryker the only source on this particular item and Heavener replied this would be a sole source purchase. This is the product that we currently use and they are compatible with our loading devices that is mounted in the floor of the ambulance. These are the only stretchers that can be utilized with that current equipment that's in our vehicles.

Toy asked so there is no other stretchers that would be able to bid on this because Stryker would be the only one that could fit those particular vehicles and Heavener replied that's correct, with the overall accompaniment of our loading system and current equipment, yes.

Councilmember Toy offered an approving resolution for the Consent Agenda.

DIRECTION: APPROVING CONSENT

REPORT TO THE LIVONIA CITY COUNCIL

Fire
February 9, 2021

MEETING DATE	PREPARED BY
February 22, 2021	Lori Arquette, Program Supervisor,

AGENDA ITEM

REQUEST FOR AUTHORIZATION TO PURCHASE FIVE (5) POWER LOAD AMBULANCE COT LOADING SYSTEMS: Livonia Fire Department, re: to replace equipment that has exceeded the life expectancy and improve worker and patient safety, from budgeted funds.

BACKGROUND

It is respectfully requested that City Council approve the purchase of five (5) POWER LOAD ambulance cot loading systems from Stryker Medical, 3800 E. Center Ave., Portage, MI 49002, for the amount of $98,527.70. This is a sole vendor request due to the compatibility with the department's existing fleet of Stryker ambulance cots and their superior performance over the last 10 years. This equipment will replace frontline equipment that has exceeded the life expectancy of current equipment and improve worker and patient safety.

RECOMMENDATION

It is the recommendation of the Fire Department that Council proceed as follows:

1. Waive the formal bidding process in accordance with Section 3.04.140.D.4 of the Livonia Code of Ordinances, as amended, since no advantage to the city would result from competitive bidding in this specialized type of equipment.

2. Authorize purchase from Stryker Medical in the amount of $98,527.70 from funds already budgeted in account 101.338.979.000 (Capital Outlay-Fire Equipment).

FISCAL CONSIDERATION

Funding available in approved 2020-21 budget in Account No. 101-338-979-000.

ATTACHMENTS

1. Stryker Power Cot Quote 10071294

APPROVED BY

Dave Heavener

Date: January 19, 2021

David Heavener, Fire Chief

Date: January 23, 2021

Michael Slater, Finance Director

Date: January 28, 2021

Maureen Miller Brosnan, Mayor

stryker

Power Cot

Quote Number: 10071294

Version: 1

Prepared For: CITY OF LIVONIA FIRE AND RESCUE

Attn:

Quote Date: 11/30/2020

Expiration Date: 02/28/2021

Remit to: **Stryker Medical**

P.O. Box 93308

Chicago, IL 60673-3308

Rep: Jamie Smith

Email: jamie.smith@stryker.com

Phone Number:

Mobile: (269) 303-1257

Delivery Address		**End User - Shipping - Billing**		**Bill To Account**	
Name:	CITY OF LIVONIA FIRE AND RESCUE	Name:	CITY OF LIVONIA FIRE AND RESCUE	Name:	CITY OF LIVONIA FIRE AND RESCUE
Account #:	1120629	Account #:	1120629	Account #:	1120629
Address:	14910 FARMINGTON RD	Address:	14910 FARMINGTON RD	Address:	14910 FARMINGTON RD
	LIVONIA		LIVONIA		LIVONIA
	Michigan 48154-5419		Michigan 48154-5419		Michigan 48154-5419

Equipment Products:

#	Product	Description	Qty	Sell Price	Total
1.0	6506000000	Power-PRO XT	5	$20,005.54	$100,027.70
1.1	6085033000	PR Cot Retaining Post			
1.2	7777881669	3 Yr X-Frame Powertrain Wrnty			
1.3	7777881670	2 Yr Bumper to Bumper Warranty			
1.4	6506026000	Power Pro Standard Components			
1.5	6500001430	X-RESTRAINT PACKAGE			
1.6	0054030000	DOM SHIP (NOT HI, AK, PR, GM)			
1.7	650606160000	ONE PER ORDER, MANUAL, ENG OPT			
1.8	6500082000	Knee-Gatch/Trendelenburg			
1.9	6506038000	Steer Lock Option			
1.10	6060036017	SAFETY HOOK, SHORT			
1.11	6506127000	Power-LOAD Compatible Option			
1.12	6500038000	SMRT KIT-120V AC,12V DC, Brckt			
1.13	6500003130	KNEE GATCH BOLSTER MATRSS, XPS			
1.14	6506040000	XPS Option			
1.15	6085046000	Retractable Head Section O2			
1.16	0054200994	NO RUNNER			
1.17	6500315000	3 Stage IV Pole PR Option			
1.18	6506012003	STANDARD FOWLER			
1.19	6500130000	Pocketed Back Rest Pouch			

stryker

Power Cot

Quote Number: 10071294

Version: 1

Prepared For: CITY OF LIVONIA FIRE AND RESCUE

Attn:

Remit to: **Stryker Medical**
P.O. Box 93308
Chicago, IL 60673-3308

Rep: Jamie Smith

Email: jamie.smith@stryker.com

Phone Number:

Mobile: (269) 303-1257

Quote Date: 11/30/2020

Expiration Date: 02/28/2021

#	Product	Description	Qty	Sell Price	Total
1.20	6500128000	Head End Storage Flat			
1.21	6500147000	Equipment Hook			
2.0	TR-FMCOT-LP15	TRADE-IN-FERNO MANUAL COT TOWARDS PURCHASE OF LIFEPAK 15	3	-$500.00	-$1,500.00
				Equipment Total:	$98,527.70

Price Totals:

Grand Total:	$98,527.70

Prices: In effect for 60 days.

Terms: Net 30 Days

Ask your Stryker Sales Rep about our flexible financing options.

_____

AUTHORIZED CUSTOMER SIGNATURE

Deal Consummation: This is a quote and not a commitment. This quote is subject to final credit, pricing, and documentation approval. Legal documentation must be signed before your equipment can be delivered. Documentation will be provided upon completion of our review process and your selection of a payment schedule.

Confidentiality Notice: Recipient will not disclose to any third party the terms of this quote or any other information, including any pricing or discounts, offered to be provided by Stryker to Recipient in connection with this quote, without Stryker's prior written approval, except as may be requested by law or by lawful order of any applicable government agency.

Terms: Net 30 days. FOB origin. A copy of Stryker Medical's standard terms and conditions can be obtained by calling Stryker Medical's Customer Service at 1-800-Stryker.

In the event of any conflict between Stryker Medical's Standard Terms and Conditions and any other terms and conditions, as may be included in any purchase order or purchase contract, Stryker's terms and conditions shall govern.

Cancellation and Return Policy: In the event of damaged or defective shipments, please notify Stryker within 30 days and we will remedy the situation. Cancellation of orders must be received 30 days prior to the agreed upon delivery date. If the order is cancelled within the 30 day window, a fee of 25% of the total purchase order price and return shipping charges will apply.

Meeting was called to order via Zoom remote technology at 8:00 p.m. by President Kathleen McIntyre. Present: Jim Jolly (Livonia, Michigan); Laura Toy (Livonia, Michigan); Scott Bahr (Livonia, Michigan); Cathy White (Livonia, Michigan); Brandon McCullough (Livonia, Michigan); Rob Donovic (Deployed); and President Kathleen McIntyre (Livonia, Michigan). Absent: None.

7) REQUEST FOR AUTHORIZATION TO CONTRACT FOR PRV (PRESSURE REDUCING VALVE) REPLACEMENT: Department of Public Works, re: to facilitate the project of installing a Pat 8 Mile & Newburgh (PRV-4) in the amount of $30,700. (CR 365-16), from the Unexpended Fund balance.

Jacob Rushlow, Superintendent of Public Works, presented this request to Council. He stated this item before you is about authorization to contract for a PRV replacement, I apologize for the type in your Agenda, that is a PRV that we're looking to replace. So, a little background on the item. The Great Lakes Water Authority is planning the replacement of a 16-inch wholesale water meter between the GLWA system and the City's system. That meter connection is known as LV-12, this is located at the intersection of Eight Mile Road and Newburgh Road. This meter connection is the City's largest water source providing anywhere from 40 percent to 80 percent of our flow depending on seasonal demands in the system from GLWA. To prepare for this type of a meter replacement we worked with GLWA to perform what's known as a trial shutdown of the connection. During that trial shutdown we discovered that the City's 16-inch pressure reducing valve, the PRV, which resides inside that meter vault, is in need of replacement. Per our water contract with GLWA, the City is responsible for operation and maintenance of certain components in that meter vault downstream of the meter, including this valve, a shut-off valve, and piping. There's a schematic that was included in your packet as well if you have any questions on that. So in order to proceed with this PRV replacement project, we recommend that Council pass a resolution to authorize the appropriation not to exceed $30,700.00 from the Unexpended Fund Balance of the Water and Sewer Fund and to authorize payment to D'Angelo Brothers for labor and materials as necessary to complete the work as described. With that, I'd be happy to answer any questions.

Councilmember Jolly said I want to offer an approving for Consent. The thing that's notable here and maybe Mr. Rushlow could give us some more details here. This is the same pump house where a malfunction caused a great of the City to lose water for about three or four days, is that correct?

Rushlow asked Jolly if he is referring to what happened back in 2017 and Jolly said no, it's 2016 I think. Rushlow stated that was a different connection, that one is near I-96 at Schoolcraft and Stark Road. This location is up at Newburgh and Eight Mile.

Jolly said this is the place where we had an issue that caused us not to have water for three or four days. It's important to take care of these things when they come up, I'll approve this, and look forward to having it done.

Councilmember McCullough said I have a quick question, obviously we see this, this is a no-brainer, I'll be supporting obviously what Councilmember Jolly just made the resolution for. The question that I have is obviously there's more PRVs around the City, do we have any kind of a preventative maintenance program that we do regularly to avoid these kind of situations?

Rushlow replied we do, yes, so there's a few things that we routinely do in checking our pressure reducing valves. Like you said there are a number of them throughout the City. It involves going down into those vaults, making sure the valve is being exercised properly, it's working properly, checking pressure gauges. The preventative maintenance includes changing out gaskets and things and pilot valves to make sure that things are working properly. That gets done every couple of years, usually you get about two years out of those gaskets before they need to be switched. Some of these valves are pretty old, put in in the '60s and '70s, so this one in particular I think was 1974 was when it was originally installed, so it has served its life well and time to replace it with a new one.

DIRECTION: APPROVING CONSENT

REPORT TO THE LIVONIA CITY COUNCIL

DPW
February 9, 2021

MEETING DATE	PREPARED BY
February 22, 2021	Jill Russell, Secretary III,

AGENDA ITEM

REQUEST FOR AUTHORIZATION TO CONTRACT FOR PRESSURE REDUCING VALVE (PRV) REPLACEMENT: Department of Public Works, re: to facilitate the project of installing a PRV at 8 Mile & Newburgh (PRV-4) in the amount of $30,700. (CR 365-16), from the Unexpended Fund balance.

BACKGROUND

The Great Lakes Water Authority (GLWA) is planning the replacement of the 16-inch wholesale water meter between GLWA and the City of Livonia at meter connection LV-12 located at the intersection of 8 Mile Road and Newburgh Road. This meter connection is the City's single largest water source providing a range of 40%-80% of our flow (depending on seasonal demands) from the GLWA system. During a trial shutdown of this meter connection, it was discovered that the City's 16-inch pressure reducing valve (PRV) known as PRV-4, which resides inside the GLWA meter vault, is in need of replacement. Per our water service contract with GLWA, the City is responsible for all operations and maintenance of certain components within the meter vault downstream of the GLWA meter including valves, piping, and PRVs.

The department has procured the necessary components to replace and is requesting authorization for D'Angelo Brothers to assist with the installation. The scope of work includes removal of all existing piping and valves and installation of new PRVs, piping, tees, gate valves, and supports.

RECOMMENDATION

It is recommended that Council pass a resolution to authorize an appropriation not-to-exceed $30,700 (D'Angelo quote of $27,909 plus 10% contingency) from the unexpended fund balance of the water and sewer fund and authorize payment to D'Angelo Brothers, Inc., P.O. Box 531330, Livonia, MI, 48153, for all labor and materials necessary to complete the work as described.

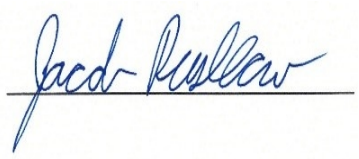
FISCAL CONSIDERATION

$30,700.00 from unallocated fund balance of the water and sewer fund.

ATTACHMENTS

1. D'Angelo Livonia 8 Mile. PRV Install
2. Livonia Water Contract 2018 Amendment 3-LV12 Schematic

APPROVED BY



Date: January 25, 2021

Jacob Rushlow, P.E., Superintendent of Public Service

Date: January 27, 2021

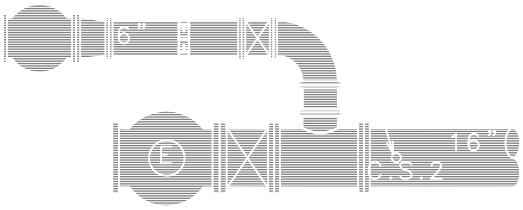
Don Rohraff, Director of Public Works

Date: February 01, 2021

Michael Slater, Finance Director

Date: February 01, 2021

Maureen Miller Brosnan, Mayor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16”
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D.S.2

Meeting was called to order via Zoom remote technology at 8:00 p.m. by President Kathleen McIntyre. Present: Jim Jolly (Livonia, Michigan); Laura Toy (Livonia, Michigan); Scott Bahr (Livonia, Michigan); Cathy White (Livonia, Michigan); Brandon McCullough (Livonia, Michigan); Rob Donovic (Deployed); and President Kathleen McIntyre (Livonia, Michigan). Absent: None.

8) REQUEST TO APPROVE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE GREAT LAKES WATER AUTHORITY AND THE CITY OF LIVONIA: Department of Public Works, re: for improvements affecting westbound Schoolcraft Road from Melvin Street to Middlebelt Road in an amount not to exceed $603,946.29, from budgeted funds.

Jacob Rushlow, Superintendent of Public Works, presented this request to Council. He stated this is an Intergovernmental Agreement that would be between obviously the City and in this case the Great Lakes Water Authority. So the GLWA has been working to install a new 48-inch diameter water transmission main on the westbound lanes of Schoolcraft Road. That project started back in the summer of 2020. The starting point was near the intersection of Melvin Street which is just to the west of Middlebelt Road. And the contractor, when they started to install that pipe, they really experienced a lot of challenges along the route, getting their main installed. They only made it a very short distance. The plan for them was to put it in this first year just over a mile of pipe, they put less than 800 feet of pipe in the season, so many challenges along the way. A couple to note here and why we're having this discussion, during the pipe installation the large water main pipe, the contractor had damaged and severed a Livonia resident's sewer service lateral, two other sewer service laterals were also damaged to homes on the north side of Schoolcraft Road. Temporary repairs were made but were really inadequate for long term service to those homes. So, at that time the City had to mobilize our emergency services contractor to install a new 10-inch diameter sewer to create a permanent solution for sewer service to those three residences and connect that back into an existing sewer to get them service. Essentially in that case this large diameter water main ended up being in the way of the sewer lines and we had to just reroute everything which luckily we were able to do and maintain service. Additionally, a subcontractor to the prime contractor was performing what's known as a jack and bore pipe installation operation underneath Middlebelt Road where they basically bore a pipe under the road without having to open cut the roadway. So during that operation they damaged one of our City 36-inch sewer mains. A temporary patch was made but a permanent long term pipe replacement is necessary to ensure that that pipe operates adequately underneath Middlebelt Road. So as the project continued, getting close to the end of the 2020 construction season, it became abundantly clear through much coordination with the City and GLWA that their contractor would not be able to complete the necessary work in order to safely open the road closures that have been ongoing on westbound Schoolcraft as well as the westbound on ramp to I-96. At that time the department again mobilized emergency services with our paving contractor to install a

temporary hot mix asphalt, HMA, road surface to the cross section necessary to get us through these winter months and potentially through this next year as the GLWA project continues. Ultimately we call that a temporary asphalt because the permanent placement later through the contract with GLWA will be a new concrete road surface there and that asphalt will eventually come out. So summarizing those three occurrences that had happened on this project and how the City had assisted GLWA through this project, this Intergovernmental Agreement between us, the City and GLWA, will define the work items that were completed by the City's contracted forces, the costs for those items and terms for reimbursement by GLWA to the City. It's our recommendation that the City Council authorize payment to the contractors for the services performed in the amount of $603,946.29 and pass a resolution approving the IGA with Great Lakes Water Authority for reimbursement to the City for those costs. With that, I'll be happy to answer any questions.

Councilmember Donovic asked Rushlow whether that contractor, and I understand through construction things happen, no single project is going to be perfect, but when a contractor does make a mistake and then there are large dollar amounts that come with these mistakes, are we reimbursed by the contractor through the contract or is there some kind of clause in there that if you cause damages that we don't have to in full agreed amount of money, how does work?

Rushlow replied that's a great question. In this case the contractor is working not for the City but for Great Lakes Water Authority installing that large diameter transmission main for water system. So it's their responsibility as the contractor to safely put the pipe in the ground, not disturb other utilities. When there is a disruption or damage of other utilities, they are responsible for those costs. Ultimately the Great Lakes Water Authority and the contractor are responsible for those costs which is why we come before you with a request to approve this IGA so we can pay our contractor to do repair work and then get reimbursed by the Authority. So the prime reason that we've moved our contractor, especially on the sewer services, was for most of the repairs in the work that we do in the City we're using sources that we have contracted with contractors that we know, contractors that we've used and vetted through references or have our own past work experiences and contractors that we trust and know they're going to perform the job we want it to be done on our system. So that's why in these two cases on the sewer system we've used our own emergency contractor to make those repairs knowing that they would get it done quickly, get it done right, and get that system back operating quickly and get that service back to our residences.

Donovic thanked Rushlow for his explanation.

Don Rohraff, Director of Public Works, said as Mr. Rushlow stated, this has been a busy intersection to say the least through the last few months out there. But the real reason that we were out there doing in addition to what Jacob was saying was that as we moved along through the summer process we realized that we wanted to make sure that we had a contractor on board that we were comfortable with that was going to be making these long term repairs for our system. The portion of this request tonight that is the right portion, GLWA actually reached out to us and asked if we could actually

help out because the contractor was located within our City to come in and do the asphalt and the things that we needed to do and the pricing that they were starting to get from the contractor and the subcontractor out there was starting to get really crazy and out of hand. So obviously knowing that we had contractors that work within our City limits, they reached out to us and did that. And again, all of this is 100% reimbursable and I just wanted to make sure that in addition to what Mr. Rushlow said, that I added that in there, too. We think it's important that we know who's working on our system and what kind of quality work we're going to get with that.

Councilmember White offered an approving resolution for the Consent Agenda. I think this is a good example of great cooperation between the City and GLWA and where we can work together like this, I think it's a good thing.

DIRECTION: APPROVING CONSENT

REPORT TO THE LIVONIA CITY COUNCIL

DPW
February 9, 2021

MEETING DATE	PREPARED BY
February 22, 2021	Jill Russell, Secretary III,

AGENDA ITEM

REQUEST TO APPROVE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE GREAT LAKES WATER AUTHORITY AND THE CITY OF LIVONIA: Department of Public Works, re: for improvements affecting westbound Schoolcraft Road from Melvin Street to Middlebelt Road in an amount not to exceed $603,946.29, from budgeted funds.

BACKGROUND

The Great Lakes Water Authority (GLWA) is working to install a new 48-inch diameter water transmission main along westbound Schoolcraft Road. This new transmission main will replace the existing 48-inch pipe located underneath the eastbound lanes of Schoolcraft Road. The GLWA contractor began in summer of 2020 near the intersection of Melvin Street and experienced many challenges along the route while installing the new transmission main toward Middlebelt Road. During pipe installation the sewer service lateral to one Livonia residence was severed and two others damaged. Temporary repairs were made but these are inadequate for long-term service. The City mobilized our emergency services contractor to install a new 10-inch sewer main to create a permanent solution for sewer service to the three Livonia residences. Additionally, a GLWA contractor performing jack-and-bore operations underneath Middlebelt Road damaged the City's 36-inch sewer main. A temporary patch was placed but a permanent long-term pipe replacement will be necessary to ensure adequate operations of the sewer along Middlebelt Road.

As the closure of the construction season drew near it became apparent that the GLWA contractor would not be able to complete the necessary work in order to open the road closures on westbound Schoolcraft or the westbound on-ramp to I-96. The department moved to mobilize our paving contractor to install temporary hot-mix-asphalt (HMA) to a sufficient road cross section to last through the winter months and potentially the following year as the GLWA project continues. Ultimately this HMA will be removed and replaced with permanent concrete pavement consistent with the City's construction standards for Schoolcraft Road.

This Intergovernmental Agreement (IGA) between GLWA and the City will define the work items completed by City forces, costs for those items, and terms for reimbursement to the City by GLWA.

RECOMMENDATION

It is our recommendation that City Council authorize payment to our contractors and pass a resolution approving the IGA and authorizing the Mayor and Clerk to execute the agreement.

FISCAL CONSIDERATION

Authorize payment to our contractors, D'Angelo Bros. and Nagle Paving, through the Unexpended Fund Balance of the Water & Sewer fund in the estimated amount of $603,946.29, with pending reimbursement to the City of Livonia from the GLWA.

ATTACHMENTS

1. Livonia Cost Sharing IGA re Livonia sewer installs, paving on behalf of GLWA

APPROVED BY

Jacob Rushlow, P.E., Superintendent of Public Service — Date: January 28, 2021

Don Rohraff, Director of Public Works — Date: January 28, 2021

Michael Slater, Finance Director — Date: January 28, 2021

Paul Bernier, City Attorney — Date: January 28, 2021

Maureen Miller Brosnan, Mayor — Date: January 29, 2021

INTERGOVERNMENTAL AGREEMENT

BETWEEN

GREAT LAKES WATER AUTHORITY

AND

CITY OF LIVONIA

Regarding Improvements Affecting
Westbound Schoolcraft Road from Melvin Street to Middlebelt Road

INTERGOVERNMENTAL AGREEMENT
BETWEEN
GREAT LAKES WATER AUTHORITY, A MICHIGAN MUNICIPAL AUTHORITY
AND
CITY OF LIVONIA

This Intergovernmental Agreement ("Agreement") is entered into by and between the Great Lakes Water Authority, a Michigan municipal authority and public body corporate organized pursuant to Public Act 233 of 1955, with its principal place of business located at 735 Randolph, Detroit, Michigan 48226 ("GLWA"), and the City of Livonia, a Michigan municipal corporation (the "City"). GLWA and the City may be referred to individually as a "Party" or collectively as the "Parties".

Recitals

A. This Agreement is made for the purpose of fixing the rights and obligations of the Parties in conjunction with work under GLWA CIP No. 112005 with respect to certain improvements affecting westbound Schoolcraft Road between Melvin Street and Middlebelt Road including (a) installation of a 10-inch City sewer collection system by the City; (b) installation of temporary hot mix asphalt by the City; and (c) replacement of a 36-inch City sewer collection system by the City (collectively, the "Project" and as further described in Exhibit A); and

B. The Parties acknowledge that work items 1 and 2 described in Exhibit A have, at the time of execution of this Agreement, been completed by the City while work item 3 is yet to be conducted, and this Agreement shall be construed in such respect; and

C. Public Act 35 of 1951, MCL 124.1, *et seq*, as amended, authorizes municipalities to contract among themselves for the performance of services; and

D. The Parties have reached an understanding with each other regarding the performance of the Project and desire to set forth this understanding in the form of this Agreement.

Now therefore, in consideration of the mutual understandings of the Parties and in conformity with applicable law, it is agreed as follows:

ARTICLE 1
DEFINITIONS

Wherever used in this Agreement, the following terms shall have the meanings indicated which shall be applicable to both the singular and plural thereof:

1.1 "City Engineer" shall mean the City employee or contractor acting as its engineer.

1.2 "Construction Engineering" shall mean the services necessary to adequately assure that the Project is being constructed in substantial conformance with the bid plans and specifications, together with any Project change orders, amendments, addenda, and/or bulletins. Construction Engineering services include, but are not limited to, contract administration, construction staking, construction inspection and/or consultant services. Construction Engineering costs include, but are not limited to, direct labor, equipment, and materials plus current City charges for the overhead, fringes, and benefits.

1.3 "Construction Work" shall mean all work performed to construct the Project in substantial conformance with the bid plans and specifications, together with any change orders, amendments, addenda, and/or bulletins. Work shall be performed by the responsive, qualified low bidder, together with approved subcontractors, and GLWA or City forces, as applicable. Construction Work costs include, but are not limited to, unit prices extended for actual quantities completed, lump sum work, force account work that includes, but is not limited to, direct labor, equipment, materials plus current City charges for costs directly associated with the Project construction.

ARTICLE 2
TERM OF CONTRACT

2.1 The effective date of this Agreement shall be the date that this Agreement is approved by the GLWA Board of Directors or the Livonia City Council, whichever is later. The term of this Agreement shall begin on the effective date and shall terminate upon completion of the Project and receipt in full of all payments due hereunder.

ARTICLE 3
GLWA'S RESPONSIBILITIES

3.1 GLWA shall provide all available information for its utilities as needed by the City in connection with the Project when required by the City Engineer.

ARTICLE 4
CITY'S RESPONSIBILITIES

4.1 The City shall administer the construction contract for the Project.

4.2 The City shall perform all Construction Engineering for the Project.

4.3 The City shall appoint the City Engineer for the Project.

4.4 The City shall keep accurate records and accounts of the Project Costs, defined in Section 5.1, that shall be accessible for inspection and audit upon request by an authorized representative of GLWA.

ARTICLE 5
PROJECT COSTS; COST SHARING

5.1 "Project Costs," shall include, but not be limited to, the actual cost of Construction Work, Construction Engineering, and/or other miscellaneous work and services necessary for and incidental to the completion of the Project, together with any cost changes associated with Project change orders, amendments, addenda, and/or bulletins.

5.2 At the time of execution of this Agreement, the estimated Project Costs are Six Hundred Three Thousand Nine Hundred Forty-Six and 29/100 Dollars ($603,946.29).

5.3 The cost sharing allocations set forth in Exhibit B are based on the estimated Project Costs.

5.4 Change orders may be issued during the Project which may increase or decrease the estimated Project Costs. The City Engineer shall consult with GLWA regarding the issuance of change orders materially affecting the Project Costs. Notwithstanding the foregoing, in all matters regarding the issuance or non-issuance of change orders, the Parties shall accept the judgment of the City Engineer as final.

5.5 If GLWA, or anyone for whom GLWA is responsible, delays, disrupts, or interferes with the performance, progress, or critical path schedule of any aspect of the Project (collectively, "Delays") including without limitation Delays related to permitting or any work conducted by GLWA's contractors whether related to the Project work or not, then GLWA shall reimburse the City for any costs incurred by the City resulting from such Delays. The City shall not be entitled to reimbursement for Delays caused by or within the control of the City or the City's contractors.

5.6 All actual Project Costs incurred by the City shall be charged to the Project and shall be paid by GLWA in accordance with the cost sharing allocation percentages set forth in Exhibit B.

ARTICLE 6
PAYMENT TERMS

6.1 GLWA shall pay its share of the Project Costs to the City in accordance with Exhibit B and as set forth below, until such time as the City is paid in full.

6.2 Upon certification by the City, GLWA shall make payment of each progress billing within thirty (30) days of receipt of the progress billing from the City. All payments shall be made to the City by wire transfer as specified in the City invoice.

6.3 For each progress billing, the City shall certify that the amount invoiced is for Project work satisfactorily completed for the subject billing period, and that all expenditures constitute "Project Costs", within the meaning of section 3(h) of the revenue bond act, Public Act 94 of 1933, MCL 141.103(h), as amended, including expenses incident thereto. The City's invoices to GLWA shall coincide and be coordinated with the applications for payment that the City approves from its contractor. At a minimum, each invoice shall itemize the date of each component of the Project work performed, stored materials and equipment not incorporated into the work, the name of the entity performing the work, a brief description of the work performed, and each expenditure or charge for which reimbursement is sought.

6.4 The City shall establish and maintain accurate records, in accordance with generally accepted accounting principles, of all expenses incurred for which payment is sought or made under this Agreement ("Records"). Separate accounts shall be established and maintained for all costs incurred under this Agreement. The City shall provide any additional and reasonable information upon request of GLWA.

6.5 The City shall maintain the Records for at least three (3) years from the date of final payment by GLWA under this Agreement. In the event of a dispute regarding the allowable expenses or any other issue under this Agreement, the City shall thereafter continue to maintain the Records at least until that dispute has been finally decided and the time for all available legal challenges or appeals of that decision has expired.

6.6 GLWA or its representative may inspect, copy, or audit the Records during regular business hours after giving the City reasonable notice of the inspection.

6.7 If any part of the Project work is subcontracted by the City, the City shall ensure compliance with the terms and conditions of this Agreement for all subcontracted work.

ARTICLE 7
FORCE MAJEURE

7.1 No failure or delay in performance of this Agreement by any Party shall be deemed to be a breach thereof when such failure or delay is caused by a force majeure event including, but not limited to, any Act of God, strikes, lockouts, wars, acts of terrorism, riots, epidemics or pandemics, explosions, sabotage, breakage or accident to machinery or lines of pipe, the binding order of any court or governmental authority, or any other cause, whether the kind enumerated in this Article 7 or otherwise not within the control of a Party, except that no cause or contingency shall relieve GLWA

of its obligation to make payment of the Project Costs with regard to the portion of the Project then completed.

ARTICLE 8
HOLD HARMLESS

8.1 Each Party shall be fully responsible for any claims arising out of its own acts and/or omissions during the performance of this Agreement, and this Agreement is not intended nor shall it be interpreted as giving either Party a right of indemnification for claims arising out of the performance of this Agreement. This Agreement does not, and is not intended to, impair, divest, delegate, or contravene any constitutional, statutory, and/or other legal right, privilege, power, obligation, duty, or immunity of the Parties. Nothing in this Agreement shall be construed as a waiver of the privileges and immunities as provided by law afforded to the Parties. The Parties expressly reserve all privileges and immunities as provided by law.

ARTICLE 9
NOTICES

9.1 Mailing addresses, contact information and e-mail addresses are as follows::

If to GLWA:	If to the City:
Chief Procurement Officer Great Lakes Water Authority 735 Randolph, 15th Floor Detroit, MI 48226 ChiefProcurementOfficer@glwater.org And a copy to: Director, Engineering, Water and Field Services Great Lakes Water Authority 10100 East Jefferson Avenue Detroit, MI 48214 Grant.gartrell@glwater.org	Director of Finance City of Livonia 33000 Civic Center Drive Livonia, Michigan 48154 mslater@livonia.gov And a copy to: Director of Public Works City of Livonia 12973 Farmington Road Livonia, Michigan 48154 Drohraff@livonia.gov

9.2 All notices, consents, approvals, requests, and other communications required or permitted under this Agreement may be given by a Party by U.S. Mail or e-mail at the addresses set forth in Section 9.1.

9.3 Either Party to this Agreement may change its postal address and/or e-mail address at any time by giving notice of the address change to the other Party.

9.4 Notices shall be deemed given on the day of mailing or e-mailing.

9.5 Each Party agrees that any notice given in the manner specified in this Article 9 shall be sufficient and waives all claims relative to the sufficiency of such notice.

ARTICLE 10
TERMINATION

10.1 Unless the Parties mutually agree to terminate the Project, this Agreement shall not be subject to termination. Termination of this Agreement will not relieve either Party of its share of the Project Costs actually incurred and those which reasonably cannot be cancelled or mitigated up to the date of termination of the Agreement.

ARTICLE 11
AMENDMENT

11.1 The Parties may, from time to time, consider it in their best interests to change, modify or extend a term, condition, or covenant of this Agreement. Any such change, addition, deletion, extension, or modification, which is mutually agreed upon by the Parties, shall be incorporated in a written amendment to this Agreement. Such amendments shall not invalidate this Agreement nor relieve or release any Party of any of its respective obligations under this Agreement unless so stated in the amendment.

11.2 No amendment to this Agreement shall be effective and binding upon the Parties unless it expressly refers to this Agreement, is in writing, is signed and acknowledged by duly authorized representatives of the Parties, is approved by City's governing body, and is approved by GLWA's Board of Directors (if applicable).

ARTICLE 12
MISCELLANEOUS

12.1 There are no third-party beneficiaries of this Agreement.

12.2 A waiver of any of the provisions of this Agreement shall not constitute a waiver of any other provisions of this Agreement, nor shall any one waiver constitute a continuing waiver. All waivers shall be in writing.

12.3 The rights and remedies set forth in this Agreement are not exclusive and are in addition to any of the rights or remedies provided by law or equity. This Agreement and all actions arising under it shall be governed by, subject to, and construed in

accordance with the laws of the State of Michigan. Each Party consents and submits to the exclusive personal jurisdiction of any state or federal court of competent jurisdiction in Michigan, for any action arising out of this Agreement.

12.4 Article headings in this Agreement have been inserted solely for the sake of convenient reference and shall not be used to construe or interpret the scope or intent of this Agreement or in any way affect the same.

12.5 If any provision of this Agreement or is application to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Agreement shall not be affected and shall remain valid and enforceable to the fullest extent permitted by law.

12.6 This Agreement shall not be assigned, in whole or in part, by either Party.

12.7 The Parties agree that no provision in this Agreement shall constitute or act as a waiver of any governmental immunity granted to the Parties and its officers, governing bodies, employees, agents, or elected officials under applicable statutory or common law.

12.8 This Agreement, including its Exhibits A and B which are fully incorporated by reference, embodies the entire agreement and understanding between the Parties and supersedes all prior agreements and understandings related to the subject matter thereof. No rights or remedies are, or will be, acquired by either Party orally, through implication or otherwise, unless set forth herein.

12.9 This Agreement may be executed in counterparts, each of which will be deemed an original but all of which together will constitute the Agreement.

12.10 This Agreement is binding on the Parties. This Agreement is effective only upon approval of GLWA and the City as evidenced by resolution or other formal action by the Livonia City Council and the GLWA Board of Directors (if applicable), and fully executed by the authorized representative of each Party.

12.11 All Recital terms are fully incorporated into this Agreement.

(Signatures appear on the following page)

Accordingly, GLWA and the City, by and through their duly authorized officers and representatives, have executed this Agreement as follows:

City of Livonia:

By: _____
Maureen Miller Brosnan
Mayor

Date: _____

By: _____
Susan Nash
City Clerk

Date: _____

APPROVED BY
LIVONIA CITY COUNCIL ON: _____

Great Lakes Water Authority:

By: _____
Sue F. McCormick
Chief Executive Officer

Date: _____

APPROVED AS TO FORM BY
GLWA GENERAL COUNSEL: _____
Signature/Date

APPROVED BY GLWA
BOARD OF DIRECTORS: ☐ Not Applicable ☐ Enter Date

EXHIBIT A

PROJECT DETAILS

Work Item	Description
1. Installation of 10-inch City Sewer Collection System	This work includes all labor, equipment, materials, and incidentals necessary to furnish and install 550 linear feet of 10-inch sewer collection system along westbound Schoolcraft Road from approximately Station 201+50 to Station 207. To expedite completion of this work, the work was conducted by the City on behalf of GLWA.
2. Temporary Paving	This work includes all labor, equipment, materials, and incidentals necessary to furnish and install temporary hot mix asphalt along westbound Schoolcraft Road from approximately Station 5+50 to Station 12+00. To expedite completion of this work, the work was conducted by the City on behalf of GLWA.
3. Replacement of Damaged 36-inch City Sewer Collection System	This work includes all labor, equipment, materials, and incidentals necessary to furnish and install 28 linear feet of 18-inch sewer to replace an existing 36-inch sewer underneath the Middlebelt Road intersection at approximate station 14+60 that was damaged by a GLWA contractor. To expedite completion of this work, and because the sewer is a City sewer, this work will be completed by the City on behalf of GLWA.

(End Exhibit A)

EXHIBIT B

PROJECT COSTS; ALLOCATION

Work Item	Cost Sharing Percentage	GLWA Estimated Cost	Livonia Estimated Cost
1. Installation of 10-inch Sewer Collection System by City	100% GLWA	$205,861.76	$0
2. Temporary Paving by City	100% GLWA	$ 228,084.53	$0
3. Replacement of Damaged 36-inch City Sewer Collection System by City	100% GLWA	$170,000.00	$0
Total Estimated Project Cost		**$603,946.29**	**$0**

(End Exhibit B)

Meeting was called to order via Zoom remote technology at 8:00 p.m. by President Kathleen McIntyre. Present: Jim Jolly (Livonia, Michigan); Laura Toy (Livonia, Michigan); Scott Bahr (Livonia, Michigan); Cathy White (Livonia, Michigan); Brandon McCullough (Livonia, Michigan); Rob Donovic (Deployed); and President Kathleen McIntyre (Livonia, Michigan). Absent: None.

9) REQUEST TO APPROVE FINAL COST INFORMATION AND TO AUTHORIZE ADDITIONAL APPROPRIATION AND EXPENDITURE: Engineering Division, re: for the 2020 Sidewalk Program - Contract 20-G. (CR 123-20)

Todd Zilincik, City Engineer, presented this request to Council. He said thank you for saving the best for last, as we way in engineering. Basically this is just a housekeeping issue. We had the sidewalk repair program done last year by Rotundo Construction. We have the final numbers. And what it boils down to if you look to your sheet, basically the finalized numbers actually were under budget by about $40,000.00, to be honest with you. There was a little bit over on the single lot assessments, there were actually more people that wanted work as far as the original estimate. In addition, we did go a little bit on the tree root repairs and a little bit on the ramps, but overall we were under budget for the 2020 program. I just wanted to solidify the numbers and get your approval to go ahead and close out the contract. Again, the authorized additional expenditure and appropriation was basically for the single lot locations and the ramps, a few dollars more on the ramps and the tree roots.

Councilmember McCullough offered an approving resolution for the Consent Agenda.

DIRECTION: APPROVING CONSENT

REPORT TO THE LIVONIA CITY COUNCIL

Engineering
February 9, 2021

MEETING DATE	PREPARED BY
February 22, 2021	Karen Worley, Secretary IV,

AGENDA ITEM

REQUEST TO APPROVE FINAL COST INFORMATION AND TO AUTHORIZE ADDITIONAL APPROPRIATION AND EXPENDITURE: Engineering Division, re: for the 2020 Sidewalk Program - Contract 20-G. (CR 123-20)

BACKGROUND

Council Resolution No. 123-20, adopted April 27, 2020 approved a contract for the 2020 Sidewalk Program with Joe Rotondo Construction Corporation, 38807 Ann Arbor Road, Suite 2, Livonia, Michigan 48150.

RECOMMENDATION

FISCAL CONSIDERATION

The final allocation of costs connected to this project are shown on Attachment A. In order to finalize this project, it is recommended that the City Council establish a final project cost at $656,506.60 (this includes the 10% Engineering Division's administrative fee) of which $167,023.77 is to be charged to Single Lot Assessments and a total of $489,482.83 which is to be charged to the following City funds; $385,384.73 to the Road, Sidewalk and Tree Fund, Account No. 204-441-977-010, $59,916.80 to the Michigan Transportation Fund (Local Road – Distributed Sidewalk Cost), $3,062.75 to the Michigan Transportation Fund (Major Road – Distributed Sidewalk Cost), Account No. 202-451-977-010 and $39,487.75 to the Unexpended Fund Balance of the Water and Sewer Fund (592). Also included in the final project cost is $330.30 for the Mango Plumbing damaged walk and $1,300.50 for the Spree damaged walk, these costs will be billed to and paid for by each entity.

ATTACHMENTS

1. 1-18-21 Attachment A - Final Cost Breakdown for the 2020 Sidewalk Program
2. 2020 Sidewalk Program Pie Chart 1-14-21
3. S022420 2020 Sidewalk Repair Program 20-G (CR 123-20)

APPROVED BY

Todd Zilincik, P.E., City Engineer

Date: January 18, 2021

Don Rohraff, Director of Public Works

Date: January 18, 2021

Michael Slater, Finance Director

Date: January 23, 2021

Maureen Miller Brosnan, Mayor

Date: January 28, 2021

ATTACHMENT A

2020 SIDEWALK PROGRAM - Contract Award Amount -- $625,710.25

A. Final Cost Information:

Construction Costs (Rotondo)	$590,066.00
†Construction Costs (Precision)	$7,434.00
Administrative Fee (10%)	$59,006.60
Total Project Cost	$656,506.60

B. Apportionment of Costs:

	Final Costs	Authorized	Additional to be Authorized
*Total Single Lot Assessment	$167,023.77	$201,881.01	($34,857.24)*
Total City Participation			
Tree Root Repairs	$385,384.73	$360,450.27	$24,934.46
ADA Ramps			
Local Roads	$59,916.80	$75,000.00	($15,083.20)
Major Roads	$3,062.75	$6,200.00	($3,137.25)
Water & Sewer Repairs	$39,487.75	$53,000.00	($13,512.25)
Mango Plumbing Damaged Walk	$330.30	$0.00	$330.30
Spree Damaged Walk	$1,300.50	$0.00	$1,300.50
Total Project Cost	$656,506.60	$696,531.28	

Notes:

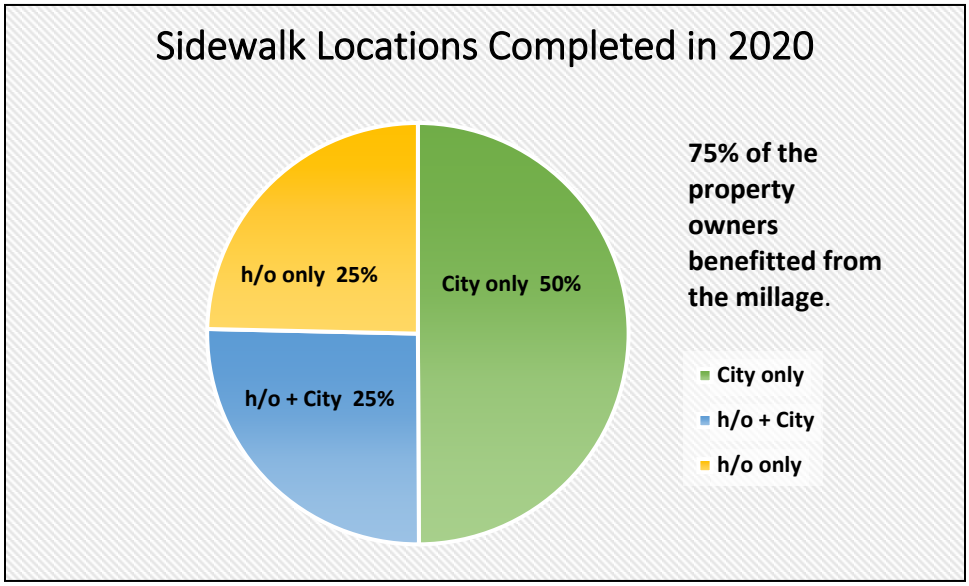
*Includes additional homeowner requested walk at 18 locations totaling $9,370.13

†The Precision Concrete portion of the construction costs uses a grinding technique to repair the lifted walk.

The Mango Plumbing and Spree damaged walk will be billed and paid for by the respective entities.

A total of 637 locations were completed under this contract (not including the 42 locations where ADA ramps were completed).

Attachment for letter dated January 18, 2021.



Total Locations Completed: **637**

SIDEWALKS
(Engineering)
Acceptance of offer of Rotondo Construction Corp. for completing all work required in connection with the 2020 Sidewalk Replacement Program (Contract 20-G) for a total amount not to exceed $696,531.28, which includes $7,500.00 payable to Precision Concrete Inc., for the saw cutting portion of the project.

#123-20 RESOLVED, that having considered a communication from the City Engineer, dated March 18, 2020, submitted pursuant to Council Resolution 84-20, adopted on March 11, 2020, which bears the signature of the Director of Finance, is approved by the Director of Public Works, and approved for submission by the Mayor, to which is attached a list of prices for various items needed for the 2020 round of sidewalk repairs, the Council does hereby authorize and accept the unit price bid of Rotondo Construction Corporation, 38807 Ann Arbor Road, Suite 2, Livonia, Michigan 48150, for completing all work required in connection with the 2020 Sidewalk Replacement Program (Contract 20-G) and agreed upon inspector days of 60 based upon 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, for a total amount not to exceed $696,531.28, which includes a 10% administrative fee ($63,321.03), the contract amount of $625,710.25, and the saw cutting portion of the project ($7,500.00), which will be handled by and paid to Precision Concrete, Inc., said estimated cost and unit prices having been in fact the lowest bid received and meets all specifications, including Rotondo Construction Corporation winning the City's competitive bids in 2006-2011 and again in 2013-2019; FURTHER, the Council does hereby authorize a payment in an amount not to exceed $625,710.25 payable to Rotondo Construction Corporation, 38807 Ann Arbor Road, Suite 2, Livonia, Michigan 48150, based upon the bid unit prices and said amount to be adjusted based upon the quantities of work completed; FURTHER, the Council does hereby authorize a payment in an amount not to exceed $7,500.00 payable to Precision Concrete Inc., 1896 Goldeneye Drive, Holland, Michigan 49424 for the saw cutting portion of the contract; FURTHER, the Council does hereby authorize an advance in the amount of $201,881.01 (single lot assessments portion of the program) from the Road, Sidewalk and Tree Fund with the provision that this fund be reimbursed from that portion of the project which is to be financed by special assessment at such time as funds are subsequently received from the payment of bills as assessments by affected property owners; FURTHER, the Council does hereby authorize an expenditure in the amount of $6,200.00 from funds budgeted in Account No. 202-451-977-010 (Major Road – Distributed Sidewalk Cost) and $75,000.00 from funds budgeted in Account No. 203-451-977-010 (Local Road- Distributed Sidewalk Cost) to cover the costs related to the construction or reconstruction of handicap ramps at major and local roads; FURTHER, the Council does hereby authorize an expenditure in the amount of $53,000.00 from the Unexpended Fund Balance of the Water and Sewer Fund for sidewalk work adjacent to and including water and storm and sanitary sewer structure repairs; FURTHER, the Council does hereby authorize an expenditure in the amount of $360,450.27 to repair sidewalks heaved by tree roots from funds budgeted in the Road, Sidewalk and Tree Fund (Account No. 204-441-977-010 Contractual Service Sidewalk) for the 2020 Sidewalk Repairs; 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; and the Mayor and City Clerk are hereby authorized to execute a contract, approved as to form and substance by the Department of Law, for and on behalf of the City of Livonia with the aforesaid bidder and to do all other things necessary or incidental to the full performance of this resolution.

CONSENT AGENDA ITEMS (Regular Meeting of April 27, 2020)

Motion by:	***Toy***
Seconded by:	***Donovic***
ROLL CALL:	
Ayes:	**McCullough, Donovic, Jolly, Toy, Bahr, White, McIntyre**
Nays:	***None***
Absent:	***None***

Meeting was called to order via Zoom remote technology at 8:00 p.m. by President Kathleen McIntyre. Present: Jim Jolly (Livonia, Michigan); Laura Toy (Livonia, Michigan); Scott Bahr (Livonia, Michigan); Cathy White (Livonia, Michigan); Brandon McCullough (Livonia, Michigan); Rob Donovic (Deployed); and President Kathleen McIntyre (Livonia, Michigan). Absent: None.

10) REQUEST TO EXTEND CONTRACT WITH JV CONTRACTING INC.: Engineering Division, re: for the 2021 Lane Line Marking Program (Contract 21-H) at the unit prices from the 2020 contract unit prices, from budgeted funds. (CR 124-20)

Todd Zilincik, City Engineer, presented this request to Council. He said this item basically we have two contractors that do this type of work, PK Contracting and JV Contracting, before there was RS but that got bought up by PK. So we have two contractors, we went out for bid last year. The previous years has been done by RS but they got bought out by PK. JV Contracting got the contract last year and in the contract it allowed for extensions if it was approved by City Council up to three years. So we're requesting City Council, because we did get a significant savings. I think the original bid from PK was $125,000.00 and this one was $95,000.00 from 2020. So we're looking to do again cost savings to the City, which they go out in the fall typically to go out and paint new pavement markings before school starts and make sure of the safety of the roads, our major roads, the local roads that we maintain are well kept up and also for street crossings, so we have stop bars at pedestrian locations that are identified by the police to ensure the safety for school crossings. So, just asking for approval to extend the contract to JV Contracting for 2021 in the amount of $95,000.00. I'd be happy to answer any questions if you like, and I appreciate your assistance in this matter.

Vice President Bahr offered an approving resolution for the Consent Agenda.

DIRECTION: APPROVING CONSENT

REPORT TO THE LIVONIA CITY COUNCIL

Engineering
February 9, 2021

MEETING DATE	PREPARED BY
February 22, 2021	Karen Worley, Secretary IV,

AGENDA ITEM

REQUEST TO EXTEND CONTRACT WITH JV CONTRACTING INC.: Engineering Division, re: for the 2021 Lane Line Marking Program (Contract 21-H) at the unit prices from the 2020 contract unit prices, from budgeted funds. (CR 124-20)

BACKGROUND

The Engineering Division has received a letter dated January 25, 2021 from Jim Valente, President of JV Contracting Inc. to indicate their willingness to extend the contract for lane line markings to 2021 with no increase from their 2020 contract unit prices.

There is currently $95,000 budgeted for the annual lane line markings throughout the City of Livonia to cover over 370 miles of City jurisdiction roads of which 60 miles are on our on major roads such as Newburgh, Ann Arbor Trail, Levan, Stark, and Lyndon.

This office is familiar with JV Contracting Inc. We have found them to provide superior service and to be extremely responsive in performing the required work as well as being willing to work with the City when any changes have arisen.

RECOMMENDATION

Per the Contract 20-H, Formal of Proposal, Note: D, which states that the City of Livonia Engineering will consider extending the contract up to three (3) years past the approved contract year based on satisfactory work performance, and a letter provided by the contractor requesting an extension letter based on holding contract unit prices and the contractor meeting these requirements, it is the recommendation of the Engineering Division that the City Council proceed as follows:

- Approve a one (1) year extension for 2021 with JV Contracting Inc., 7285 S. State Road, Goodrich, Michigan 48438 at the unit prices from the 2020 Lane Line Marking Contract (20-H).

- Waive the formal bidding process under Section 3.04.140.D.3 of the Livonia Code of Ordinances, as amended, since no advantage to the City would result from competitive bidding.

FISCAL CONSIDERATION

- Award a contract in the amount of $95,000.00 to JV Contracting Inc., 7285 S. State Road, Goodrich, Michigan 48438 for fiscal year 2021. The award should be based on the unit bid prices, said amount to be adjusted based upon the quantities of work actually completed.

- Authorize an expenditure in the amount of $95,000.00 for the 2021 Lane Line Marking Program from budgeted funds in Account No. 202-463-818-118 (Contractual Services – Lane Line Marking).

- Authorize the City Engineer to make minor changes, as needed.

ATTACHMENTS

1. 21-H Contract Renewal Letter from JV Contracting
2. S041520 2020 Lane Line Marking Program, Contract 20-H (JV Contracting) (CR 124-20)

APPROVED BY

Todd Zilincik, P.E., City Engineer — Date: January 25, 2021

Don Rohraff, Director of Public Works — Date: January 26, 2021

Michael Slater, Finance Director — Date: January 26, 2021

Maureen Miller Brosnan, Mayor — Date: January 28, 2021

JV
CONTRACTING inc.
7285 S State Rd - Goodrich - MI 48438
Jim Valente - 248.308.6165

Contract Renewal Letter

Date: 1/25/21

JV Contracting, Inc. would like to extend all Pavement Marking pricing in the 2020 Contract with the City of Livonia thru 2021.

If this is acceptable please sign below and return by email to jvalente@jvcontracting.net

It was a pleasure working with you and hope to work with you in the future as well.

Sincerely,

City of Livonia Representative:_____

Jim Valente, President

JV Contracting, Inc.

RECEIVED
JAN 25 2021
CITY OF LIVONIA
ENGINEERING DEPARTMENT

Equal Opportunity Employer

SIDEWALKS
(Engineering)
Acceptance of unit price bid of JV Contracting, Inc., for completing all work required in connection with the 2020 Lane Line Marking Program (Contract 20-H) in an amount not to exceed $91,947.50.

#124-20 RESOLVED, that having considered the report and recommendation of the City Engineer and the Director of Public Works, dated March 13, 2020, 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 JV Contracting, Inc., 7285 S. State Road, Goodrich, Michigan 48438 for completing all work required in connection with the 2020 Lane Line Marking Program (Contract 20-H) for the estimated total cost of $91,947.50, based on the Engineering Division's estimate of units involved, and subject to a final payment based upon the actual units completed in accordance with the unit prices accepted herein, said estimated cost and unit prices having been in fact the lowest bid received and meets all specifications; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed $91,947.50 from funds already budgeted in Account No. 202-463-818-118 (Contractual Services Lane Line Marking) 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; and the Mayor and City Clerk are hereby authorized, for and on behalf of the City of Livonia, to execute a contract, approved as to form and substance by the Department of Law, with the aforesaid bidder and to do all other things necessary or incidental to the full performance of this resolution.

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

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

NAYS: None

The President declared the resolutions adopted.

CONSENT AGENDA ITEMS (Regular Meeting of April 27, 2020)

Motion by:	***Toy***
Seconded by:	***Donovic***
ROLL CALL:	
Ayes:	**McCullough, Donovic, Jolly, Toy, Bahr, White, McIntyre**
Nays:	***None***
Absent:	***None***

CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD APRIL 15, 2020

Meeting was called to order at 8:00 p.m. by President Kathleen McIntyre. Present: Brandon McCullough, Rob Donovic, Jim Jolly, Laura Toy, Scott Bahr, Cathy White and Kathleen McIntyre. Absent: None.

Councilmember Brandon McCullough led the meeting in the Pledge.

President McIntyre thank the extraordinary team of the City of Livonia, the employees, Council members, other elected officials, Lynda Scheel, Treasurer, Susan Nash, City Clerk, and the outstanding leadership of Mayor Maureen Miller Brosnan during this very challenging time.

Elected and appointed officials present: Mark Taormina, Director of Planning and Economic Development; Todd Zilincik, City Engineer; Paul Bernier, City Attorney*;* Susan M. Nash, City Clerk; and Doug Moore, Assistant Director of Public Service – Operations.

8. AWARD OF CONTRACT: Engineering Division, re: for the 2020 Lane Line Marking Program – Contract 20-H.

Todd Zilincik, City Engineer, presented this request to Council. He stated again, they want to make sure the City is safe, during the fall they go out and paint the lines along the major roads and City streets that keep people visually safe when they drive that, the yellow line, white lines. There were two bids received that were opened on March 10th, J.B. Contracting, Inc. and P.K. Contracting. P.K. Contracting has done work in the past for the City along with J.B. Contracting, so they are asking for Council's approval to award the contract to J.B. Contracting, Inc. in the amount of $91,947.50 to go out in the summer/late fall to go out and get these areas restriped for the City to upkeep the lane line markings that are out there.

Councilmember White offered an approving resolution for the Consent Agenda.

Councilmember Donovic asked Zilincik if the striping of the lanes, is that just City roads or is it all roads within the City.

Zilincik replied it is just the City jurisdiction roads, Livonia has approximately 370 miles, but all 370 miles does not have lane line markings, it's mostly on some of the major streets. The County will do their own streets. Typically, they'll come through and do Five Mile, Seven Mile, those streets at a later date also, but maybe the same contractor or another contractor. But Livonia will do the City jurisdiction roads that it has control over.

DIRECTION: APPROVING CONSENT

DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

TODD J. ZILINCIK, P.E.
City Engineer

DAVID W. LEAR, P.E.
Assistant City Engineer

MAUREEN MILLER BROSNAN
MAYOR

DONALD R. ROHRAFF
Director of Public Works

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2571
FAX: (734) 466-2195

March 13, 2020

Honorable Members of the City Council
City of Livonia

Re: 2020 Lane Line Marking Program
Award of Contract 20-H

Dear Council Members:

Several major roads, which are under the jurisdiction of the City are in need of new lane line markings along with pavement legends and symbols. The Engineering Division prepared specifications and arranged for the taking of bids on March 10, 2020 for the 2020 Lane Line Marking Program. In response to the advertisement on the Michigan Intergovernmental Trade Network (MITN), two bids were submitted. The bids may be summarized as follows:

NAME OF BIDDER	AMOUNT OF BID
JV Contracting, Inc. Goodrich, MI	$91,947.50*
R. S. Contracting, Inc. Casco Twp., MI	$136,505.00

*amount corrected by the Engineering Division

This bid is good until July 8, 2020.

This office has reviewed the bids and has checked the references for the low bidder, JV Contracting, Inc. and finds this company qualified to perform the work required under this contract It is, therefore, recommended that the Council proceed as follows:

- Award a contract in the amount of $91,947.50 to JV Contracting, Inc., 7285 S. State Road, Goodrich, Michigan 48438. The award should be on the basis of the bid unit prices, said amount to be adjusted based

upon quantities of work actually completed.

- Authorize an expenditure in the amount of $91,947.50 for the 2020 Lane Line Marking Program from budgeted funds in Account No. 202-463-818-118 [Contractual Services Lane Line Marking].

- Authorize the City Engineer to approve minor adjustments in the work, as required.

Sincerely,

Todd J. Zilinčik, P.E.
City Engineering

APPROVED:

Donald R. Rohraff
Director of Public Works

FUNDS AVAILABLE:

Michael T. Slater
Finance Director

APPROVED FOR SUBMISSION:

Maureen Miller Brosnan, Mayor
CITY OF LIVONIA

TJZ:kjw

cc: Mayor, Council, Clerk, Attorney,
Finance Director, Director – DPW,
JV Contracting, Inc., Engineering (J.D.)
File

City of Livonia Engineering Division
2020 Lane Line Marking Program
Contract #20-H
Bid Tabulation
March 10, 2020

JV Contracting, Inc.
7285 S. State Road
Goodrich, MI 48438
248-308-6165
Contact: Jim Valente

P.K. Contracting, Inc.
1965 Barrett Drive
Troy, MI 48084
248-362-2130
Contact: Nicholas C. Shea

2020 Lane Line Marking Program

ITEM	DESCRIPTION	UNITS	EST. QTY	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1.	Sprayable Thermoplastic 4" Wide Segmented Yellow Line	Sta.	835	$10.00	$8,350.00	$20.00	$16,700.00
2.	Sprayable Thermoplastic 4" Wide Solid Yellow Line	Sta.	2,090	$13.50	$28,215.00	$20.00	$41,800.00
3.	Sprayable Thermoplastic 4" Wide Segmented White Line	Sta.	1,720	$10.00	$17,200.00	$20.00	$34,400.00
4.	Sprayable Thermoplastic 4" Wide Solid White Line	Sta.	720	$13.50	$9,720.00	$20.00	$14,400.00
5.	Sprayable Thermoplastic 12" Wide Solid White Line	Sta.	40	$80.00	$3,200.00	$60.00	$2,400.00
6.	Polyurea Pavement Marking 4" Wide Segmented Yellow Line	Sta.	11	$70.00	$770.00	$70.00	$770.00
7.	Polyurea Pavement Marking 4" Wide Solid Yellow Line	Sta.	34	$100.00	$3,400.00	$100.00	$3,400.00
8.	Polyurea Pavement Marking 4" Wide Segmented While Line	Sta.	45	$70.00	$3,150.00	$70.00	$3,150.00
9.	Polyurea Pavement Marking 4" Wide Solid White Line	Sta.	17	$100.00	$1,700.00	$100.00	$1,700.00
10.	Cold Plastic 12" Wide Solid Yellow Line	l.f.	135	$4.50	$607.50	$6.00	$810.00
11.	Cold Plastic 6" Wide Crosswalk Lines	l.f.	300	$3.00	$900.00	$3.00	$900.00
12.	Cold Plastic 24" Wide Crosswalk Lines	l.f.	200	$10.00	$2,000.00	$9.50	$1,900.00
13.	Cold Plastic Pavement Marking Legend (ONLY)	Ea.	14	$115.00	$1,610.00	$140.00	$1,960.00
14.	Cold Plastic Pavement Marking Symbol (Left Arrow)	Ea.	8	$110.00	$880.00	$140.00	$1,120.00
15.	Cold Plastic Pavement Marking Symbol (Straight and Left Arrow)	Ea.	2	$200.00	$400.00	$200.00	$400.00
16.	Cold Plastic Pavement Maring Symbol (Straight and Right Arrow)	Ea.	2	$200.00	$400.00	$200.00	$400.00

City of Livonia Engineering Division
2020 Lane Line Marking Program
Contract #20-H
Bid Tabulation
March 10, 2020

17.	Cold-Plastic Pavement Marking Symbol (Straight Arrow)	Ea.	2	$80.00	$160.00	$130.00	$260.00
18.	Cold-Plastic Pavement Marking Symbol (Right Arrow)	Ea.	5	$110.00	$550.00	$140.00	$700.00
19.	Cold-Plastic Pavement Marking Symbol (R.R. Crossing)	Ea.	1	$350.00	$350.00	$400.00	$400.00
20.	Cold-Plastic Pavement Marking Symbol (School Legend)	Ea.	1	$200.00	$200.00	$215.00	$215.00
21.	Remove 6" Wide Crosswalk Lines	l.f.	300	$1.50	$450.00	$2.00	$600.00
22.	Remove 24" Wide Stop-Bar Lines	l.f.	200	$4.00	$800.00	$5.50	$1,100.00
23.	Remove Pavement Marking Legend (ONLY)	Ea.	14	$80.00	$1,120.00	$50.00	$700.00
24.	Remove Pavement Marking Symbol (Left Arrow)	Ea.	8	$25.00	$200.00	$50.00	$400.00
25.	Remove Pavement Marking Symbol (Straight and Left Arrow)	Ea.	2	$50.00	$100.00	$95.00	$190.00
26.	Remove Pavement Marking Symbol (Straight and Right Arrow)	Ea.	2	$50.00	$100.00	$95.00	$190.00
27.	Remove Pavement Marking Symbol (Straight Arrow)	Ea.	2	$25.00	$50.00	$50.00	$100.00
28.	Remove Pavement Marking Symbol (Right Arrow)	Ea.	5	25.00	$125.00	$50.00	$250.00
29.	Remove Pavement Marking Symbol (School Legend)	Ea.	1	120.00	$120.00	$70.00	$70.00
30.	Remove Pavement Marking Symbol (R.R. Crossing)	Ea.	1	$120.00	$120.00	$120.00	$120.00
31.	Inspector Days (Min. 10 Days)	Days	10	$500.00	$5,000.00 *	$500.00	$5,000.00
			Total Bid:		**$91,947.50 ***		**$136,505.00**

*Corrected by Engineering Department

Bids Advertised:

MITN, February 28, 2020
Bid Opening Date: March 10, 2020

Meeting was called to order via Zoom remote technology at 8:00 p.m. by President Kathleen McIntyre. Present: Jim Jolly (Livonia, Michigan); Laura Toy (Livonia, Michigan); Scott Bahr (Livonia, Michigan); Cathy White (Livonia, Michigan); Brandon McCullough (Livonia, Michigan); Rob Donovic (Deployed); and President Kathleen McIntyre (Livonia, Michigan). Absent: None.

11) REQUEST TO APPROVE PROPOSED 2021 SIDEWALK REPAIR PROGRAM: Engineering Division, re: to include two target areas, one in Section 18 and one along Merriman Road from Schoolcraft Road to Five Mile Road, along with scattered locations throughout the City. (CR 784-82)

Todd Zilincik, City Engineer, presented this request to Council. He stated again, we're just going in order here, for the 2021 Program we need to get the addresses to City Council in case somebody moves, sells their house, or if they died, then we have a track record to make sure that the house will get assessed and that at the end of the repair, the final cost will be taken care of at the closing. We have 557 locations for 2021 identified and looking for your approval so we can go ahead and move forward with that with the addresses that I've provided as far as our protocol, this is a standard issue every year to give it to City Council and then bring the unit prices for your approval and then get the information out to residents to do the repairs in the summertime. Thank you.

Councilmember McCullough offered an approving resolution for the Consent Agenda.

DIRECTION: APPROVING CONSENT

REPORT TO THE LIVONIA CITY COUNCIL

Engineering
February 9, 2021

MEETING DATE	PREPARED BY
February 22, 2021	Karen Worley, Secretary IV,

AGENDA ITEM

REQUEST TO APPROVE PROPOSED 2021 SIDEWALK REPAIR PROGRAM: Engineering Division, re: to include two target areas, one in Section 18 and one along Merriman Road from Schoolcraft Road to Five Mile Road, along with scattered locations throughout the City. (CR 784-82)

BACKGROUND

The City Council, by Resolution No. 784-82, concurred with and approved the Engineering Department's report dated September 30, 1982, relative to an annual sidewalk repair and maintenance program.

The proposed 2021 Sidewalk Repair Program consists of two target areas, one in Section 18, and one along Merriman Road from Schoolcraft Road to Five Mile Road. The program also includes scattered locations throughout the City that were generated through resident complaints and requests. The list indicating where sidewalks require installation, repair and/or replacement adjacent to private property are included. This year's program consists of approximately 557 locations.

RECOMMENDATION

Also attached is a recommended resolution that, if adopted, will require the property owners shown on the attached lists to arrange for the installation, repair, or the removal and replacement of certain unsafe sections of sidewalk by June 4, 2021.

FISCAL CONSIDERATION

ATTACHMENTS

1. 2021 Sidewalk Program List for Council
2. Proposed Resolution - 2021

APPROVED BY

Todd J. Zilincik

Todd Zilincik, P.E., City Engineer

Date: January 25, 2021

Date: January 26, 2021

Don Rohraff, Director of Public Works

Date: January 28, 2021

Maureen Miller Brosnan, Mayor

2021 Sidewalk Program List for Council

Address	Street Name	Section
19613	Antago	1
20431	Brentwood	1
20210	Rensellor	1
20220	Rensellor	1
19835	Weyher	1
19104	Bainbridge	2
19262	Bainbridge	2
19274	Bainbridge	2
30044	Vassar	2
30068	Vassar	2
19524	Farmington	3
31510	Haldane	3
34732	Bridge	4
33925	Fairfax	4
33880	Fonville	4
33928	Fonville	4
20023	Gary	4
20055	Gary	4
19511	Gill	4
19368	Laurel	4
19395	Laurel	4
20147	Laurel	4
20175	Laurel	4
34593	Navin	4
34475	Northland	4
34495	Northland	4
34724	Northland	4
34750	Northland	4
34855	Pembroke	4
34887	Pembroke	4
35277	Pembroke	4
34738	St. Martins	4
34764	St. Martins	4
20181	Southampton	4
18442	Glastonbury	7
18478	Glastonbury	7
18510	Glastonbury	7
18546	Glastonbury	7
37516	Kingsburn	7
37538	Kingsburn	7
37560	Kingsburn	7
37715	Kingsburn	7
37737	Margareta	7
35452	Bennett	8
35651	Bennett	8
35683	Bennett	8
35684	Bennett	8
35700	Bennett	8
35722	Bennett	8

2021 Sidewalk Program List for Council

Address	Street Name	Section
35881	Bobrich	8
36004	Bobrich	8
36005	Bobrich	8
36472	Bobrich	8
36475	Bobrich	8
36540	Bobrich	8
36543	Bobrich	8
17633	Country Club	8
17634	Country Club	8
17671	Country Club	8
17709	Country Club	8
17747	Country Club	8
18093	Country Club	8
18094	Country Club	8
35491	Curtis	8
35503	Curtis	8
35515	Curtis	8
17422	Fairway	8
17456	Fairway	8
17493	Fairway	8
17500	Fairway	8
17550	Fairway	8
17562	Fairway	8
17594	Fairway	8
17595	Fairway	8
17622	Fairway	8
17688	Fairway	8
17689	Fairway	8
17720	Fairway	8
17754	Fairway	8
17786	Fairway	8
17787	Fairway	8
17900	Fairway	8
17960	Fairway	8
18040	Fairway	8
18089	Fairway	8
18090	Fairway	8
18130	Fairway	8
18592	Fairway	8
18593	Fairway	8
18636	Fairway	8
17460	Golfview	8
17527	Golfview	8
17559	Golfview	8
17621	Golfview	8
17624	Golfview	8
17655	Golfview	8
17687	Golfview	8

2021 Sidewalk Program List for Council

Address	Street Name	Section
17751	Golfview	8
17819	Golfview	8
18573	Golfview	8
18357	Levan	8
18381	Levan	8
18408	Levan	8
19076	Levan	8
36261	Margareta	8
35944	Northgate	8
36006	Northgate	8
36070	Northgate	8
36095	Northgate	8
36100	Northgate	8
17460	Parklane	8
17494	Parklane	8
37287	Seabrook	8
35949	Vargo	8
17635	Wayne	8
17462	Westbrook	8
35292	Bennett	9
33444	Bobrich	9
17386	Francavilla	9
17387	Francavilla	9
17412	Francavilla	9
17438	Francavilla	9
17490	Francavilla	9
17542	Francavilla	9
17661	Francavilla	9
17675	Francavilla	9
17676	Francavilla	9
17689	Francavilla	9
17700	Francavilla	9
17703	Francavilla	9
17724	Francavilla	9
17748	Francavilla	9
17321	McNamara	9
18525	Norwich	9
17382	Vacri	9
19069	Doris	11
18901	Flamingo	11
18909	Flamingo	11
18939	Flamingo	11
18605	Hillcrest	11
18800	Hillcrest	11
17191	Middlebelt	11
17201	Middlebelt	11
17235	Middlebelt	11
18724	Milburn	11

2021 Sidewalk Program List for Council

Address	Street Name	Section
19017	Purlingbrook	11
30031	Seven Mile	11
30035	Seven Mile	11
30079	Seven Mile	11
30145	Seven Mile	11
30123	Seven Mile	11
30275	Seven Mile	11
30285	Seven Mile	11
30295	Seven Mile	11
30325	Seven Mile	11
17200	Middlebelt	12
29041	Seven Mile	12
29155	Seven Mile	12
29200	Six Mile	12
15939	Deering	13
27623	Six Mile	13
27641	Six Mile	13
27659	Six Mile	13
27815	Six Mile	13
29443	Six Mile	14
31657	Five Mile	15
15987	Westmore Ct.	15
16015	Westmore Ct.	15
16049	Fairlane	16
16063	Fairlane	16
16072	Fairlane	16
16088	Fairlane	16
16098	Fairlane	16
16106	Fairlane	16
16123	Fairlane	16
16130	Fairlane	16
16135	Fairlane	16
16142	Fairlane	16
16147	Fairlane	16
16154	Fairlane	16
16159	Fairlane	16
16166	Fairlane	16
16203	Fairlane	16
33580	Five Mile	16
34802	Grove	16
34821	Grove	16
15789	Stamford	16
16845	Surrey	16
34226	Wood	16
34244	Wood	16
35450	Bristol	17
35469	Bristol	17
35470	Bristol	17

2021 Sidewalk Program List for Council

Address	Street Name	Section
35491	Bristol	17
35498	Bristol	17
35500	Bristol	17
35511	Bristol	17
35551	Bristol	17
16772	Country Club	17
16800	Country Club	17
16401	Golfview	17
36654	Grove	17
36707	Kingsbury	17
37307	Munger	17
37333	Munger	17
37361	Munger	17
16269	Park	17
16331	Park	17
16395	Park	17
16396	Park	17
16447	Park	17
16452	Park	17
16474	Park	17
16475	Park	17
16500	Park	17
16501	Park	17
16520	Park	17
16535	Park	17
16540	Park	17
16559	Park	17
16617	Park	17
16679	Park	17
16713	Park	17
16812	Park	17
16813	Park	17
16631	Parklane	17
16566	Westbrook	17
36493	Six Mile	17
16524	Westbrook	17
38016	Bloomfield	18
38072	Bloomfield	18
38128	Bloomfield	18
38156	Bloomfield	18
38184	Bloomfield	18
38212	Bloomfield	18
38222	Bristol	18
38254	Bristol	18
15468	Blue Skies	18
16786	Blue Skies	18
15501	Hix	18
15541	Hix	18

2021 Sidewalk Program List for Council

Address	Street Name	Section
15549	Hix	18
15557	Hix	18
15563	Hix	18
15565	Hix	18
15575	Hix	18
15598	Hix	18
15612	Hix	18
16412	Houghton	18
15379	Huff	18
15405	Huff	18
15431	Huff	18
15483	Huff	18
15509	Huff	18
15600	Huff	18
15601	Huff	18
15620	Huff	18
15640	Huff	18
15641	Huff	18
15660	Huff	18
15661	Huff	18
15680	Huff	18
15681	Huff	18
15700	Huff	18
37457	Kingsbury	18
37482	Kingsbury	18
37483	Kingsbury	18
37534	Kingsbury	18
37562	Kingsbury	18
37563	Kingsbury	18
37587	Kingsbury	18
37612	Kingsbury	18
37639	Kingsbury	18
37664	Kingsbury	18
37665	Kingsbury	18
37690	Kingsbury	18
37691	Kingsbury	18
37737	Kingsbury	18
38434	Kingsbury	18
38453	Kingsbury	18
38486	Kingsbury	18
38567	Kingsbury	18
38599	Kingsbury	18
38600	Kingsbury	18
38632	Kingsbury	18
38664	Kingsbury	18
37460	Ladywood	18
37461	Ladywood	18
37487	Ladywood	18

2021 Sidewalk Program List for Council

Address	Street Name	Section
37502	Ladywood	18
37503	Ladywood	18
37555	Ladywood	18
37580	Ladywood	18
37581	Ladywood	18
37606	Ladywood	18
37633	Ladywood	18
37658	Ladywood	18
37659	Ladywood	18
37684	Ladywood	18
37738	Ladywood	18
37739	Ladywood	18
37778	Ladywood	18
37781	Ladywood	18
37820	Ladywood	18
37840	Ladywood	18
37456	Lancaster	18
38484	Lancaster	18
38552	Lancaster	18
38580	Lancaster Ct.	18
38594	Lancaster Ct.	18
38626	Lancaster Ct.	18
38661	Lancaster	18
38733	Lancaster	18
38786	Lancaster	18
38804	Lancaster	18
38990	Lapham	18
37723	Mallory	18
38252	Mallory	18
15506	Nola Circle	18
15507	Nola Circle	18
15523	Nola Circle	18
15528	Nola Circle	18
15590	Nola Circle	18
15596	Nola Circle	18
15631	Nola Circle	18
15639	Nola Circle	18
15640	Nola Circle	18
15652	Nola Circle	18
16051	Nola	18
16087	Nola	18
16411	Nola	18
16537	Nola Ct.	18
16552	Penn Dr.	18
16715	Quakertown	18
38856	Reo	18
38448	Roycroft	18
38449	Roycroft	18

2021 Sidewalk Program List for Council

Address	Street Name	Section
38466	Roycroft	18
38488	Roycroft	18
38521	Roycroft	18
38572	Roycroft	18
38573	Roycroft	18
38600	Roycroft	18
38640	Roycroft	18
38641	Roycroft	18
38671	Roycroft	18
38739	Roycroft	18
38771	Roycroft	18
39111	Six Mile	18
16092	Swathmore Ct. N.	18
14620	Blue Skies	19
39142	Donald	19
15120	Houghton	19
38818	Jamison	19
14928	Knolson	19
14945	Knolson	19
15015	Knolson	19
14447	Nola	19
14460	Nola	19
15145	Nola	19
15157	Nola	19
14382	Stonehouse	19
14400	Stonehouse	19
38475	Tuscany Ct.	19
38489	Tuscany Ct.	19
38517	Tuscany Ct.	19
38520	Tuscany Ct.	19
38531	Tuscany Ct.	19
38545	Tuscany Ct.	19
38559	Tuscany Ct.	19
38571	Tuscany Ct.	19
38587	Tuscany Ct.	19
38601	Tuscany Ct.	19
38615	Tuscany Ct.	19
38629	Tuscany Ct.	19
38671	Tuscany Ct.	19
36075	Allen	20
14785	Country Club	20
14773	Country Club	20
36195	Lyndon	20
36167	Meadowbrook	20
36168	Meadowbrook	20
36197	Meadowbrook	20
36225	Meadowbrook	20
36283	Meadowbrook	20

2021 Sidewalk Program List for Council

Address	Street Name	Section
36371	Meadowbrook	20
14728	Ronnie Lane	20
13951	Yale	20
14291	Barbara	21
14399	Gary Lane	21
14402	Gary Lane	21
13910	Riverside	21
13915	Riverside	21
13916	Riverside	21
13922	Riverside	21
13927	Riverside	21
13928	Riverside	21
14352	Riverside	21
14378	Riverside	21
14392	Riverside	21
32928	Allen	22
14328	Arden	22
14352	Arden	22
14357	Arden	22
14375	Arden	22
14405	Arden	22
14844	Auburndale	22
32139	Barkley	22
14127	Berwick	22
14235	Berwick	22
32655	Five Mile	22
14909	Fairfield	22
31613	Grennada	22
14338	Melrose	22
14349	Melrose	22
14350	Melrose	22
14361	Melrose	22
14303	Merriman	22
14317	Merriman	22
14329	Merriman	22
14353	Merriman	22
14377	Merriman	22
14407	Merriman	22
14419	Merriman	22
14431	Merriman	22
14443	Merriman	22
14455	Merriman	22
14467	Merriman	22
32931	Middleboro	22
33117	Middleboro	22
33040	Middleboro	22
31772	Perth	22
33234	Schoolcraft	22

2021 Sidewalk Program List for Council

Address	Street Name	Section
31541	Scone	22
32653	Scone	22
14051	Westmore	22
30217	Acacia	23
30229	Acacia	23
30232	Acacia	23
30245	Acacia	23
30257	Acacia	23
14006	Bainbridge	23
14028	Bainbridge	23
14031	Bainbridge	23
14060	Bainbridge	23
14091	Bainbridge	23
14328	Bainbridge	23
29840	Barkley	23
29728	Buckingham	23
14019	Denne	23
14209	Denne	23
14262	Denne	23
14276	Denne	23
14303	Denne	23
14330	Denne	23
14387	Denne	23
31035	Grennada	23
31036	Grennada	23
31061	Grennada	23
31102	Grennada	23
31107	Grennada	23
31114	Grennada	23
31140	Grennada	23
31143	Grennada	23
14128	Hubbell	23
14193	Hubbell	23
31306	Kendall	23
31038	Mason	23
31043	Mason	23
31064	Mason	23
29460	Oakley	23
29526	Oakley	23
29538	Oakley	23
29550	Oakley	23
29562	Oakley	23
30227	Oakview	23
13956	Sunset	23
13979	Sunset	23
14061	Sunset	23
14285	Sunset	23
14328	Sunset	23

2021 Sidewalk Program List for Council

Address	Street Name	Section
14428	Sunset	23
28999	Five Mile	24
14721	Inkster	24
27429	Meadowbrook	24
27441	Meadowbrook	24
27898	Meadowbrook Ct.	24
27920	Meadowbrook Ct.	24
27945	Meadowbrook Ct.	24
14403	Summerside Ct.	24
14440	Summerside	24
14452	Summerside	24
14464	Summerside	24
12029	Arcola	25
12049	Arcola	25
11796	Cardwell	25
12011	Inkster	25
12029	Inkster	25
12053	Inkster	25
12085	Inkster	25
13001	Merriman	27
13040	Merriman	27
13211	Merriman	27
32570	Plymouth	27
32850	Plymouth	27
32910	Plymouth	27
34450	Plymouth	27
34500	Plymouth	27
33600	Plymouth	28
35687	Industrial	29
9107	Adams	31
38218	Ann Arbor Tr.	31
38971	Ann Arbor Tr.	31
38981	Ann Arbor Tr.	31
9100	Bassett Ct. E.	31
9498	Bassett	31
9060	Deborah Ct. E.	31
9324	Marie	31
9340	Marie	31
9342	Marie	31
8811	Newburgh	31
8830	Norman	31
8842	Norman	31
8854	Norman	31
38530	Orangelawn	31
38800	Orangelawn	31
9497	Patton	31
38715	Richland	31
36604	Angeline Circle	32

2021 Sidewalk Program List for Council

Address	Street Name	Section
36793	Angeline Circle	32
36802	Angeline Circle	32
36698	Ann Arbor Tr.	32
35597	Elmira	32
35500	West Chicago	32
35401	Minton	33
33857	Sleepy Hollow	33
9929	Arden	34
9909	Auburndale	34
11025	Berwick	34
9619	Blackburn	34
9625	Blackburn	34
11314	Hubbard	34
11035	Ingram	34
9391	Idaho	34
11037	Ingram	34
9017	Louisiana	34
9314	Louisana	34
32901	Plymouth	34
9805	Denne	35
11010	Hillcrest	35
9092	Melvin	35
30389	West Chicago	35
9073	Brentwood	36
9824	Clements Circle E.	36
9901	Clements Circle E.	36
27561	Dover	36
28947	Hathaway	36

PROPOSED RESOLUTION

RESOLVED, that having considered a communication from the City Engineer, dated January 25, 2021, approved by the Director of Public Works and approved for submission by the Mayor, to which is attached various lists of sidewalks requiring installation or replacement within miscellaneous locations throughout the City of Livonia, said list being included herein by reference, in connection with the 2021 Sidewalk Repair Program and for reasons stated, the Council does hereby require the respective owners of lots and premises referred to in said list, to install or to remove and replace sidewalk at such premises, and the City Clerk is hereby requested to do all things necessary to carry out the provisions of this resolution which is made pursuant to Section 12.04.340 of the Livonia Code of Ordinances, as amended; FURTHER, said notice shall set forth that the respective owners of lots and premises herein referred to shall complete said sidewalk work no later than June 4, 2021, after which date the Engineering Division shall arrange for the construction and/or reconstruction of the said sidewalks; FURTHER, the Council does hereby authorize the construction and/or reconstruction of various sections of sidewalks and crosswalks at several locations within the City inasmuch as the same are the City’s responsibility.

REPORT TO THE LIVONIA CITY COUNCIL

Law
February 9, 2021

MEETING DATE	PREPARED BY
February 22, 2021	Lori Miller, Deputy City Clerk,

AGENDA ITEM

ROLL CALL: Proposed Amendment to Zoning Ordinance No. 543, as amended: Department of Law, re: Petition 2020-09-06-02, to amend Section 31.03 - Uses Permitted, to expand the list of permitted uses to include beneficial forest management practices, such as the removal of invasive species, and selective trail construction in accordance with the City's Master Parks and Recreation Plan and nonmotorized transportation plan, Livonia Bike Walk. (CR 12-21)
First Reading given by Councilmember Scott Bahr on Monday, February 8, 2021.

BACKGROUND

Zoning Language - Pet. 2020-09-06-02 - Proposed Amendment to Livonia Zoning Ordinance Section 31.03 to expand the list of permitted uses to include beneficial forest management practices, such as the removal of invasive species, and selective trail construction in accordance with the City's Master Parks and Recreation Plan and nonmotorized transportation plan, Livonia Bike Walk.

RECOMMENDATION

Roll Call / Second Read

FISCAL CONSIDERATION

ATTACHMENTS

1. Pet. 2020-09-06-02 - Zoning Language Sec 31.03 - beneficial forest mgt practices
2. Section 31.03 - NP District Regulations
3. PH121620 Petition 2020-09-06-02 (Nature Preserves) (LANGUAGE CHANGE) CR 12-21

APPROVED BY

Date: January 27, 2021

Paul Bernier, City Attorney

Maureen Miller Brosnan, Mayor

Date: January 27, 2021

REPORT TO THE LIVONIA CITY COUNCIL

Law
January 25, 2021

MEETING DATE	PREPARED BY
February 8, 2021	Brenda Smyser, Program Supervisor,

AGENDA ITEM

PROPOSED AMENDMENT TO ZONING ORDINANCE NO. 543, AS AMENDED: Department of Law, re: Petition 2020-09-06-02, to amend Section 31.03 - Uses Permitted, to expand the list of permitted uses to include beneficial forest management practices, such as the removal of invasive species, and selective trail construction in accordance with the City's Master Parks and Recreation Plan and nonmotorized transportation plan, Livonia Bike Walk. (CR 12-21)

BACKGROUND

Zoning Language - Pet. 2020-09-06-02 - Proposed Amendment to Livonia Zoning Ordinance Section 31.03 to expand the list of permitted uses to include beneficial forest management practices, such as the removal of invasive species, and selective trail construction in accordance with the City's Master Parks and Recreation Plan and nonmotorized transportation plan, Livonia Bike Walk.

RECOMMENDATION

First Read

FISCAL CONSIDERATION

ATTACHMENTS

1. Pet. 2020-09-06-02 - Zoning Language Sec 31.03 - beneficial forest mgt practices
2. Section 31.03 - NP District Regulations
3. PH121620 Petition 2020-09-06-02 (Nature Preserves) (LANGUAGE CHANGE) CR 12-21

APPROVED BY

Date: January 27, 2021

Paul Bernier, City Attorney

Maureen Miller Brosnan, Mayor

Date: January 27, 2021

DEPARTMENT OF LAW

PAUL A. BERNIER
City Attorney

MICHAEL E. FISHER
Chief Assistant City Attorney

ERIC S. GOLDSTEIN
Assistant City Attorney

LEO D. NEVILLE
Assistant City Attorney

MAUREEN MILLER BROSNAN
MAYOR

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2520
FAX: (734) 466-2072

January 15, 2021

TO: HONORABLE MEMBERS OF THE CITY COUNCIL

FROM: DEPARTMENT OF LAW

SUBJECT: Proposed Amendment to Zoning Ordinance - Petition 2020-09-06-02

RE: Council Resolution No. 12-21

Dear Council Members:

At your regular meeting of January 13, 2021, you unanimously approved Petition 2020-09-06-02, submitted by the City Planning Commission, pursuant to Council Resolution 170-20, and requested the Department of Law to prepare the appropriate ordinance. The proposed ordinance expands the list of permitted uses under Section 31.03 to include beneficial forest management practices, such as removal of invasive species, and selective trail construction in accordance with the City's Master Parks and Recreation Plan and nonmotorized transportation plan, Livonia Bike Walk.

Accordingly, herewith submitted for your consideration is the proposed ordinance amendment prepared by the Department of Law, together with the map prepared by the Planning Department.

Approved for submission: Very truly yours,

_____ _____

Maureen Miller Brosnan, Mayor Paul A. Bernier, City Attorney

PAB/bks
Attachment
P:\Council\2021\Ordinances\Pet. 2020-09-06-02 - Zoning Language Sec 31.03 - beneficial forest mgt practices.docx

AN ORDINANCE AMENDING SECTION 31.04 (NP DISTRICT REGULATIONS) OF ARTICLE XXXI OF ORDINANCE NO. 543, AS AMENDED, KNOWN AND CITED AS "THE CITY OF LIVONIA ZONING ORDINANCE."

THE CITY OF LIVONIA ORDAINS:

Section 1. Section 31 of Article XXXI of Ordinance No. 543, as amended, is hereby amended to read as follows:

Section 31.03 Uses Permitted. Section 31.03, as amended by Ordinance No. 2388, adopted 7-10-97. In all NP Districts, no land shall be used, in whole or in part, except for one or more of the following uses:

(a) Outdoor recreational uses such as:

(1) Nature trails, including the construction of new trails and any improvements necessary to meet barrier-free design standards, where feasible, provided such improvements are consistent with the City of Livonia Five-Year Parks and Recreation Master Plan and the City's nonmotorized transportation plan

(2) Appropriate forest management practices, including a) the removal of invasive plant, ~~insect~~ or animal species deemed to be harmful or damaging to the health of existing or desired native plant, ~~insect~~ or animal species, and/or to the economy, environment, and/or human health as well as b) introduction/reintroduction and/or promotion of native plant and animal species, all as determined by the Parks and Recreation Commission

(~~2~~3) Hiking

(~~3~~4) Educational laboratories

(~~4~~5) Day Camping (overnight camping not permitted)

(b) Accessory uses, necessary or incidental to the principal uses listed above in (a).

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Should any portion of this ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions of this ordinance.

P:\Brenda\Ordinances\ZONING\LANGUAGE\sec 31\Section 31.03 - NP District Regulations.doc

On a motion by Toy, supported by Jolly, and unanimously adopted, it was:

LANGUAGE CHANGE
Petition 2020-09-06-02 Approval to amend Article XXXI – NP District Regulations, of the City of Livonia Zoning Ordinance No. 543, as amended, to expand the list of permitted uses under Section 31.03 to include beneficial forest management practices, such as the removal of invasive species, and selective trail construction in accordance with the City's Master Parks and Recreation Plan and nonmotorized transportation plan, Livonia Bike Walk.
(Refer to Law)

#12-21 RESOLVED, that having considered a communication from the City Planning Commission, dated November 12, 2020, which sets forth its resolution #11-58-2020, adopted on November 10, 2020, with regard to Petition 2020-09-06-02, submitted by the City Planning Commission, pursuant to Section 23.01(b) of the Livonia Zoning Ordinance #543, as amended, to determine whether or not to amend Article XXXI – NP District Regulations, of the City of Livonia Zoning Ordinance No. 543, as amended, to expand the list of permitted uses under Section 31.03 to include beneficial forest management practices, such as the removal of invasive species, and selective trail construction in accordance with the City's Master Parks and Recreation Plan and nonmotorized transportation plan, Livonia Bike Walk, and the Council having conducted a public hearing with regard to this matter on Wednesday, December 16, 2020, the Council does hereby approve Petition 2020-09-06-02 for preparation of the ordinance for submission to Council; and the Department of Law is requested to prepare an ordinance amending Ordinance 543, as amended, in accordance with this resolution.

UNFINISHED BUSINESS (Regular Meeting of January 13, 2021)

Motion by:	**Toy**
Seconded by:	**Jolly**
ROLL CALL:	
Ayes:	**White, McCullough, Donovic, Jolly, Toy, Bahr, McIntyre**
Nays:	**None**
Absent:	**None**

PLANNING COMMISSION

IAN WILSHAW, Chairman
GLEN W. LONG, JR., Vice Chairman
SAM CARAMAGNO, Secretary
DAVID BONGERO
ELIZABETH McCUE
CAROL A. SMILEY
PETER H. VENTURA

MAUREEN MILLER BROSNAN
MAYOR

MARK TAORMINA
PLANNING & ECONOMIC DEVELOPMENT DIRECTOR

SCOTT O. MILLER
PLANNER IV

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2290 Fax (734) 466-2108

November 12,2020

Honorable Members of the City Council
City of Livonia, Michigan

Re: Petition 2020-09-06-02 – Nature Preserves

Dear Council Members:

At the 1,162nd Public Hearings and Regular Meeting held by the City Planning Commission on November 10, 2020, in the Livonia City Hall, the following resolution was unanimously adopted:

#11-58-2020 ***RESOLVED***, That pursuant to a Public Hearing having been held by the City Planning Commission on November 10, 2020, on Petition 2020-09-06-02 submitted by the City Planning Commission on its own motion, pursuant to Section 23.01(b) of the Livonia Zoning Ordinance #543, as amended, to determine whether or not to amend Article XXXI – NP District Regulations, of the City of Livonia Zoning Ordinance No. 543, as amended, to expand the list of permitted uses under Section 31.03 to include beneficial forest management practices, such as the removal of invasive species, and selective trail construction in accordance with the City's Master Parks and Recreation Plan and nonmotorized transportation plan, Livonia Bike Walk, the Planning Commission does hereby recommend to the City Council that Petition 2020-09-06-02 be approved for the following reasons:

1. The proposed language amendment will allow certain beneficial improvements and activities to the City's Nature Preserves under the guidance of the Parks and Recreation Commission and consistent with the Master Parks and Recreation Plan and Livonia Bike-Walk, and

2. The proposed amendment is in the best interests of the safety and welfare of the community.

Very truly yours,

APPROVED FOR SUBMISSION

Maureen Miller Brosnan, Mayor

CITY PLANNING COMMISSION

Sam Caramagno, Secretary

cc: Mayor, Clerk, Law

DEPARTMENT OF PARKS & RECREATION

PARKS AND RECREATION COMMISSION

MARK JOHNSON
CHAIRPERSON

PAUL CONDON
KATHERINE JOLLY
CATHY KEVRA
KEVIN SUMMERS

15100 HUBBARD
LIVONIA, MICHIGAN 48154-3586
(734) 466-2410 RECREATION DIVISION
FAX: (734) 466-2679

DENNIS K. WRIGHT
MAYOR

EDWARD DAVIS
SUPERINTENDENT

MEMO

TO: Mark Taormina, Planning Director
FROM: Ted Davis, Superintendent
RE: Zoning Review

Mark,

The Parks and Recreation Commission is asking that Planning take a few issues under consideration prior to 2020. These include: Nature Preserve Zoning Ordinance, review park properties to ensure proper zoning, rezoning of recent park acquisitions and rezoning of city owned property in Burton Hollow Subdivision.:

The Nature Preserve designation has the benefit of prohibiting altering the property, but with the non-motorized transportation plan, invasive species and forestry management, it has become clear that changing the ordinance to allow for trail construction and removal of materials is needed. Recent acquisitions such as Tatigian and Washington should have zoning changed to NP/PL from the current RUF and R designations. City owned land in Burton Hollow is deeded as a park but is zoned R should be changed to NP so encroachment concerns can be adequately addressed in the future. Finally, a comprehensive review of park zoning would be appreciated to ensure proper zoning as we move forward.

Please let me know how I can assist with these projects.

Thank you for your time and consideration.

TD

2020-09-06-02

PETITION 2020-09-06-02

The undersigned, Ian Wilshaw, Chairman of the City of Livonia Planning Commission, does hereby certify that at the 1,161st Public Hearing and Regular Meeting of the City Planning Commission of the City of Livonia, held on October 6, 2020, via the Zoom Platform, at which time and place the following members of the Planning Commission were present: Glen Long, Sam Caramagno, Carol Smiley, Betsy McCue, Dave Bongero and Peter Ventura, the following resolution was unanimously adopted:

#10-53-2020

RESOLVED, that the City Planning Commission, pursuant to Section 23.01(b) of Ordinance #543, the Zoning Ordinance of the City of Livonia, as amended, does hereby establish and order that a public hearing be held to determine whether or not to amend Article XXXI – NP District Regulations, of the City of Livonia Zoning Ordinance No. 543, as amended, to expand the list of permitted uses under Section 31.03 to include beneficial forest management practices, such as the removal of invasive species, and selective trail construction in accordance with the City's Master Parks and Recreation Plan and nonmotorized transportation plan, Livonia Bike Walk.

(Proposed ordinance amendment attached)

FURTHER RESOLVED, that notice of such hearing shall be given in accordance with the provisions of Section 23.05 of Ordinance #543, the Zoning Ordinance of the City of Livonia, as amended, and that thereafter there shall be a report and recommendation submitted to the City Council.

IN WITNESS WHEREOF, the undersigned has hereunto affixed his signature on this 7th day of October, 2020.

Ian Wilshaw, Chairman
City Planning Commission

Dated: October 7, 2020

APPROVED AS TO FORM
Department of Law
By: Michael E. Cox
Date: 10/7/2020

PLANNING COMMISSION STAFF NOTES

PUBLIC HEARING

ITEM 4

Petition 2020-09-06-02 submitted by the City Planning Commission on its own motion, pursuant to Section 23.01(b) of the Livonia Zoning Ordinance #543, as amended, to determine whether or not to amend Article XXXI – NP District Regulations, of the City of Livonia Zoning Ordinance No. 543, as amended, to expand the list of permitted uses under Section 31.03 to include beneficial forest management practices, such as the removal of invasive species, and selective trail construction in accordance with the City's Master Parks and Recreation Plan and nonmotorized transportation plan, Livonia Bike Walk.

October 27, 2020 Study Meeting:

This proposed text amendment seeks to expand the list of permitted uses within the City's designated Nature Preserves. For good and obvious reasons, the NP District regulations are very protective of the natural environment. However, as currently written, the language could be interpreted in a way that would prohibit certain beneficial improvements, such as the management of invasive species or the construction of fully accessible pedestrian trails or paths. It is for these reasons that the Parks and Recreation Department is requesting that the language of the Uses Permitted section of the NP District regulations be modified to include additional improvements and activities under the guidance of the Parks and Recreation Commission and consistent with the Master Parks and Recreation Plan and Livonia Bike-Walk.

Following is the proposed language change (shown in *red*), as drafted by the City Law Department, that would be incorporated into Section 31.03 Uses Permitted:

Section 31.03 Uses Permitted. Section 31.03, as amended by Ordinance No. 2388, adopted 7-10-97. In all NP Districts, no land shall be used, in whole or in part, except for one or more of the following uses:

(a) Outdoor recreational uses such as:

(1) Nature trails, including the construction of new trails and any improvements necessary to meet barrier-free design standards, where feasible, provided such improvements are consistent with the City of Livonia Five-Year Parks and Recreation Master Plan and the City's nonmotorized transportation plan.

(2) Appropriate forest management practices, including the removal of invasive plant or animal species deemed to be harmful or damaging to the health of existing or desired native plant or animal species, as well as introduction/reintroduction and/or promotion of native plant and animal species, all as determined by the Parks and Recreation Commission

(3) Hiking
(4) Educational laboratories
(5) Day Camping (overnight camping not permitted)

(b) Accessory uses, necessary or incidental to the principal uses listed above in (a).

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Should any portion of this ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions of this ordinance.

November 10, 2020 Public Hearing:

Approving Resolution: That the request to amend Article XXXI – NP District Regulations, of the City of Livonia Zoning Ordinance No. 543, as amended, is hereby approved for the following reasons:

1. The proposed language amendment will allow certain beneficial improvements and activities to the City's Nature Preserves under the guidance of the Parks and Recreation Commission and consistent with the Master Parks and Recreation Plan and Livonia Bike-Walk, and

2. The proposed amendment is in the best interests of the safety and welfare of the community.

AN ORDINANCE AMENDING SECTION 31.04 (NP DISTRICT REGULATIONS) OF ARTICLE XXXI OF ORDINANCE NO. 543, AS AMENDED, KNOWN AND CITED AS "THE CITY OF LIVONIA ZONING ORDINANCE."

THE CITY OF LIVONIA ORDAINS:

Section 1. Section 31 of Article XXXI of Ordinance No. 543, as amended, is hereby amended to read as follows:

Section 31.03 Uses Permitted. Section 31.03, as amended by Ordinance No. 2388, adopted 7-10-97. In all NP Districts, no land shall be used, in whole or in part, except for one or more of the following uses:

(a) Outdoor recreational uses such as:

(1) Nature trails, including the construction of new trails and any improvements necessary to meet barrier-free design standards, where feasible, provided such improvements are consistent with the City of Livonia Five-Year Parks and Recreation Master Plan and the City's nonmotorized transportation plan

(2) Appropriate forest management practices, including the removal of invasive plant, ~~insect~~ or animal species deemed to be harmful or damaging to the health of existing or desired native plant, ~~insect~~ or animal species, as well as introduction/reintroduction and/or promotion of native plant and animal species, all as determined by the Parks and Recreation Commission

(~~2~~3) Hiking

(~~3~~4) Educational laboratories

(~~4~~5) Day Camping (overnight camping not permitted)

(b) Accessory uses, necessary or incidental to the principal uses listed above in (a).

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Should any portion of this ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions of this ordinance.

_____

UNAPPROVED MINUTES

MINUTES OF THE 1,162nd PUBLIC HEARINGS AND REGULAR MEETING HELD BY THE CITY PLANNING COMMISSION OF THE CITY OF LIVONIA

On Tuesday, November 10, 2020, the City Planning Commission of the City of Livonia held its 1,162nd Public Hearings and Regular Meeting via Zoom Meeting Software.

Mr. Ian Wilshaw, Chairman, called the meeting to order at 7:00 p.m.

Members present:	David Bongero	Sam Caramagno	Glen Long
	Betsy McCue	Carol Smiley	Peter Ventura (late)
	Ian Wilshaw		

Members absent: None

Mr. Mark Taormina, Planning Director, Scott Miller, Planner IV, Stephanie Reece, Program Supervisor, and Debra Walter, Clerk-Typist were also present.

Chairman Wilshaw informed the audience that if a petition on tonight's agenda involves a rezoning request, this Commission makes a recommendation to the City Council who, in turn, will hold its own public hearing and make the final determination as to whether a petition is approved or denied. The Planning Commission holds the only public hearing on a request for preliminary plat and/or vacating petition. The Commission's recommendation is forwarded to the City Council for the final determination as to whether a plat is accepted or rejected. If a petition requesting a waiver of use or site plan approval is denied tonight, the Petitioner has ten days in which to appeal the decision, in writing, to the City Council. Resolutions adopted by the City Planning Commission become effective seven (7) days after the date of adoption. The Planning Commission and the professional staff have reviewed each of these petitions upon their filing. The staff has furnished the Commission with both approving and denying resolutions, which the Commission may, or may not, use depending on the outcome of the proceedings tonight.

ITEM #4 PETITION 2020-09-06-02 Nature Preserve Ord.

Mr. Caramagno, Secretary, announced the next item on the agenda, Petition 2020-09-06-02 submitted by the City Planning Commission on its own motion, pursuant to Section 23.01(b) of the Livonia Zoning Ordinance #543, as amended, to determine whether or not to amend Article XXXI – NP District Regulations, of the City of Livonia Zoning Ordinance No. 543, as amended, to expand the list of permitted uses under Section 31.03 to include beneficial forest management practices, such as the removal of

invasive species, and selective trail construction in accordance with the City's Master Parks and Recreation Plan and nonmotorized transportation plan, Livonia Bike Walk.

Mr. Taormina: The purpose of this language amendment is to address some issues in the current ordinance. The suggested changes are at the request of the Parks and Recreation Commission. For obvious reasons, the NP District Regulations are very protective of the environment. However, as they are currently written, they could be interpreted in a way that would prohibit certain beneficial improvements, such as the removal of invasive species or constructing fully accessible barrier-free pedestrian trails and paths. For this reason, it is recommended that the permitted use section of Article XXXI be expanded to include these items. Any work would be under the direction of the Parks and Recreation Commission and the Parks and Recreation Department. It would also have to be consistent with the Master Parks and Recreation Plan and Livonia Bike Walk. We do have Mr. Ted Davis, Director of Parks and Recreation, on the call. With that, I would be happy to answer any questions you may have. Again, this was brought to us at the request of the Parks and Recreation Commission. Thank you.

Mr. Wilshaw: Are there any questions of the Planning Director? If not, Mr. Davis in our audience. I am going to give him the opportunity to introduce himself. Good evening. Mr. Davis.

Ted Davis, Director of Parks and Recreation. Thank you for placing this on the agenda this evening. As Mr. Taormina said very eloquently, this is a matter of housekeeping for us. The way the current NP District information is written, it is extremely limiting. So much so to the detriment of Nature Preserves, where we do not have the ability to remove invasive species, construct any trails, especially barrier-free trails, or do any Forest Management practices. The way the current NP designation is written, those are all in violation of that designation. So, this gives us some flexibility and allows us to take care of our Nature Preserves and ensure that they are going to be pristine for generations to come. I would be happy to answer any questions that the Planning Commission may have.

Mr. Wilshaw: Thank you, Mr. Davis. Do we have any questions from any of the Commissioners on this item? I don't see any questions for you. Is there anybody in the audience that wishes to speak for or against this item? If so, please click raise hand. I don't see

anyone in the audience wishing to speak to this either. With that, I think I can safely close the public hearing and ask for a motion.

On a motion by Long, seconded by McCue, and unanimously adopted, it was

#11-58-2020 ***RESOLVED***, That pursuant to a Public Hearing having been held by the City Planning Commission on November 10, 2020, on Petition 2020-09-06-02 submitted by the City Planning Commission on its own motion, pursuant to Section 23.01(b) of the Livonia Zoning Ordinance #543, as amended, to determine whether or not to amend Article XXXI – NP District Regulations, of the City of Livonia Zoning Ordinance No. 543, as amended, to expand the list of permitted uses under Section 31.03 to include beneficial forest management practices, such as the removal of invasive species, and selective trail construction in accordance with the City's Master Parks and Recreation Plan and nonmotorized transportation plan, Livonia Bike Walk, the Planning Commission does hereby recommend to the City Council that Petition 2020-09-06-02 be approved for the following reasons:

1. The proposed language amendment will allow certain beneficial improvements and activities to the City's Nature Preserves under the guidance of the Parks and Recreation Commission and consistent with the Master Parks and Recreation Plan and Livonia Bike-Walk, and

2. The proposed amendment is in the best interests of the safety and welfare of the community.

Meeting was called to order via Zoom remote technology at 8:00 p.m. by President Kathleen McIntyre. Present: Jim Jolly (Livonia, Michigan); Laura Toy (Livonia, Michigan); Scott Bahr (Livonia, Michigan); Cathy White (Livonia, Michigan); Brandon McCullough (Livonia, Michigan); Rob Donovic (Deployed); and President Kathleen McIntyre (Livonia, Michigan). Absent: None.

1) REQUEST FOR WAIVER USE EXTENSION TO NEW USER: Melissa Wojnar-Raycraft, representative of Mike Cox Law Firm, on behalf of XiaoPing Hoob, re: Petition 2014-10-02-14, submitted by Elite Foot Spa, LLC, to operate a massage establishment on property located on the southeast corner of Plymouth and Stark Roads {34389 Plymouth Road) in the Northeast 1/4 of Section 33. (CR 373-14)

Melissa Wojnar-Raycraft, attorney on behalf of the Petitioner, presented this request to Council. She stated her client is Elite Foot Spa and the current owner of Elite Foot Spa is Edward Davis and he would like to sell the spa to his longtime manager, which is Ms. Hoob, and the tenant space has been open for almost six years now. The resolution that was granted five or six years ago and included a clause that any transfer of the waiver use had to be approved, so that's why we're here to have it transferred to the manager so that it's seamless.

Councilmember Toy stated she has received a couple of communications on this and I sent them to most of you, if not all of you, in regard to one person from our City contacting me. If I may, Madam Chair, there were some questions that Miss Hoob, I believe that's how you pronounce it, I'm not sure, is not listed as an owner of this business on the Michigan Department of Licensing form. It shows the owner as Edward Davis. I think perhaps she just explained that to us but I'd like to get her reaction and I have a couple other questions as well, if I may, Madam Chair.
Raycraft replied that the spa is not sold to Miss Hoob yet, Edward Davis is still the owner of the spa and we're in the process of putting together purchasing paperwork and one of the steps on that though is the transfer be approved as part of the purchase. She is not currently an owner. She will be an owner if she purchases the spa.

Toy stated she doesn't want to get into anything overly personal here, Ma'am, but since you're representing them I probably need to ask you a couple more questions that a few other people have been concerned with and one being that they operated a massage business in Columbus, Indiana, and had some issues in 2012; are you familiar with any of that?

Raycraft replied she is not.

Toy said it involved several things as related to me in this communication and there was a court order on that as well and they were actually charged as well on that. So you may want to look into that. And then they were also banned from operating in that county as of several years back, it looks like from the information I have. And then within the last couple years it looked like that they had then moved to Michigan and that they now want to obtain a Michigan massage license to operate Elite Foot Spa, okay, and it shows that Mr. Hoob, I should say, is living in Indiana and Mrs. Hoob is in Washington state where they lived before moving to Indiana. So, there's some explaining here because as we look at some of the kind of issues with some of these businesses, there can be some interesting things that go on in some of these areas even though they're licensed and they operate, many in good faith, many with some issues. And I know when we try and check people's backgrounds, human trafficking becomes a charge of that and was also cited in this communication I have and that I also forwarded to the Council members. So I guess I should have also sent it to the City Attorney which I will do as well. But if you answer any of those questions, I'm not trying to accuse anyone but I have a lot of information in this document that I don't want it shared to cast dispersions on them but we certainly need some answers, I guess, at least this Council person does.

Raycraft asked if those charges just in Indiana or are any of those concerns in Michigan? Because Elite Health Spa has been at that location for almost six years and Ms. Hoob has been a licensed massage therapist for just as long and she does not have any complaints on her massage license with the State of Michigan which you can look at that online and I did look at that and she hasn't had any published complaints in Michigan. I can't speak to what may have happened in Indiana because I didn't look in Indiana, I just know what's happened over the last six years at Elite Health Spa that's here. I do know that I don't know that Miss Hoob and Mr. Hoob are together anymore which would explain why she's here and he's in whatever state that you said he was in. But I also don't have the document in front of me that you have in front of you.

Toy stated she is quoting out of the document I do have that this individual also sent me and they're concerned. So, no, I don't have anything as it relates to the State of Michigan, but I am concerned with the character of individuals that want to operate, whether it's in our state, in our county, in our city, whatever, that may have some very questionable practices, okay, that's kind of where I'm coming from on it. So, you might want to look into that for your buyer as we move forward.

Raycraft stated she would just say that as they've been there for the last six years in that location, none of that's come to light to the City of Livonia or the Police Department or the State of Michigan. If anybody else has any questions, I'd be happy to answer what I can answer.

Vice President Bahr said my question for the attorney, it's my understanding, and correct me if I'm wrong, this has been a foot massage place for the last six, seven years, since 2014 and they're now adding massage services, is that right?

Raycraft replied that's not correct. They've been a foot massage place and a massage therapy place. But there isn't any new services being added at this time, all we're doing is asking for the waiver use that they've had for the last six years to be transferred from Edward Davis to Miss Hoob. So they've already been established as a massage therapy place and a foot reflexology place for six years in this location. All we want to do is when you transfer ownership, this waiver use has to get transferred as well, so not adding anything new.

Bahr asked if the prospective owner has been there the whole time and Raycraft replied yes.

Bahr then asked Planning Director Taormina, just looking at the floor plan for this, we obviously deal with massage establishments from time to time, but typically I thought we required, we generally have them have a pretty open floor plan. I'm surprised by how much this is broken up, it was approved prior to my time on Council, so I don't --- I guess I would have been on Planning Commission so it probably did come before me, I don't remember this. Is that usual, to have a floor plan like that for what we approved here?

Taormina replied it really depends on the services being offered. I think this is discussed in nearly every instance where we have a massage establishment and depending on the need for privacy, some are open, some have semi-enclosed rooms for purposes for body massages and that sort of thing, so it's a combination again of the Commission and Council typically asks these questions during the review process. I'm going to assume that those questions were asked back in 2014. I have the minutes here and I'm guessing those questions were asked and I might be able to provide a little more information if you give me a few minutes.

Bahr then asked Raycraft just to reiterate again, you don't have any knowledge of anything that happened with this perspective owner prior to 2014 and Raycraft replied I do not. Raycraft stated I only looked at her Michigan history, I didn't look at anything in Indiana.

Bahr stated I did some independent research on it; it doesn't take too much searching to find publicly available information about some things that are pretty concerning on this and it's hard for me to look past that. So, I'm going to offer a denying on this.

Councilmember Jolly asked Raycraft if she could explain the terms of the sale just in terms of is it an immediate sale of the full capital of the company or is it spread out over a period of years where the purchase price will be paid? How quickly will Mr. Davis be leaving any relationship with this business?

Raycraft replied the terms of the purchase haven't been solidified yet, we're at the very beginning, so I'm not sure if it's going to be lump sum from Miss Hoob yet or spread out yet, but one of the first steps I was taking was to look into this transfer first.
So, they still have to work out their purchase terms.

Vice President Bahr said just a quick follow-up to his denying, I just want to point out, I purposely did not put it on Consent because I don't think we're going to get any answers to the questions that I had hoped to ask tonight, just based on the fact that Ms. Raycraft doesn't seem to be familiar with anything prior to what happened in Michigan. So, you know if there were more information to come to light over the next couple of weeks that can alleviate the concerns on this, that's why I'm not offering it for Consent, but at this point I have too many concerns about this to approve it, I just wanted to explain that.

Taormina stated in looking at the Planning Commission minutes from 2014, it would appear that the question was asked about the rooms and the response by Mr. Davis at the time was that those rooms were pre-existing, apparently this was a chiropractic office and they didn't want to eliminate those rooms and the type of massage being conducted or services then was it looks like it was pretty much limited to reflexology, but massage was going to be the primary service it would appear. So I just thought I'd add that information to Mr. Bahr's question.

Councilmember Toy stated in light of the situation and without getting too deep dive into this at the moment, and as has been mentioned, perhaps obtaining some more information for both the Petitioner and whoever, I'd want to offer as well for an option a Committee of the Whole just in case we want to get into anything a little bit deeper and ask for some reports and things like that, if we may. And through the State it may take a few minutes so, I'll offer that as well, Madam Chair.

President McIntyre opened the floor for questions from the audience. Hearing none, she stated to Ms. Raycraft, there is a denying resolution offered and a resolution referring to Committee of the Whole that will come up on the Regular Meeting of Monday, February 22nd, so you will need to be present at that meeting and I guess I'd suggest if there's any additional information that you'd like to communicate to the Council, that you could get that sent to the Council office and have any information shared with the Council prior to that meeting. And it look like Mr. Davis would like to address the Council.

Edward Davis, current owner of Elite Foot Spa, stated I just wanted to talk to Council a minute. I know I have counsel here; she's basically been representing me; I have other businesses that I'm working with that I own. I just want to explain a couple things maybe, and maybe this isn't the time, I'm not sure, but I've owned the Elite Foot Spa for six years and Miss Hoob has worked for me for the six years. She did prior have some – she tried to open up her own establishment in Indiana. She was not aware of how tax would get paid and how to do bookkeeping and so on and so forth. So, she did have some issues there with the tax thing, so they basically shut her down. They did I guess basically file whatever it is, you know, trouble for her. Since then I have helped her, we've gotten that taken off of her record, she has no record of any misdoing, it was basically over a tax thing. Since then I've basically worked with her, teaching her the laws and how to run a business and that kind of thing. So she doesn't run it currently everything, I do a lot of it, but she does understand quite a bit of things now.

So she's much more rounded in being able to take over this business, sell this business to her. I personally am working on my retirement. This is one business that I don't need or want anymore. The other one I'll be removing myself, too, down in a year or so. So this business will be all her but I have pretty good confidence that she would be able to run this business, despite the things that you guys probably have researched and seen. So I just wanted to say that I don't know I might be, with my counsel, she might be mad at me for saying things. But I wanted to explain that this is how this was all about. So really she's not been in any trouble but she didn't understand the U.S. laws and how to run a business.

Vice President Bahr said to Davis, I appreciate what you said tonight. As you were talking I've been looking back. I have a little bit embarrassment I have to confess. I almost always read all the minutes that are provided to us. This one I spent so much time looking into some of the concerns and researching that myself that I failed to do that. But as you were talking I was going back and looking. I actually do remember this coming before us on Planning Commission and I think I remember you as well. Can you remind me, how did you first come in contact with Miss Hoob or how did she find you, you know, for this arrangement back in 2014?

Davis replied I met her, I actually met her in a CVS store, she was trying to locate, I forgot now what. I helped her find it. I met her. I had previously went through a divorce and basically I just met her and we got, you know, I ended up talking with her and so on and so forth and I became friends with her for a while and then I decided that I wanted to venture into foot reflexology in the State of Michigan because they didn't have anything like that. And basically she had told me that she had worked in different places and so on and so forth. So, it was just one of those kind of things.

Bahr said the main reason I ask and I think and I don't need to – it's not because I want to delve into more than I need to, but the main reason I ask is you did not have prior experience with a foot spa like this prior to this, right, this is the first of this type of business that you've had and Davis replied you're correct.

Bahr said and you entered into this business because you knew her and you knew she had expertise in that area and that's what brought you into this type of business?

Davis replied I entered into this business because my other company, I travel a lot, so I go to California considerably alone at times and because I travel a lot they have some – in different states they had some great foot places where you really get some good relief and I believed 100 percent in it because I experienced it and when I got back to Michigan there's nowhere you could go to get this so I thought this would be a really good business to have for to hep people out. And it has been a very good business for that.

Bahr asked is there a need for your business model to have all the separate rooms that are currently there now? I know back seven years ago you just didn't want to go to the expense I don't think of removing them because they were there previously.

Davis replied basically there's only two massage rooms, they were existing, we did not tear them down. We only have two massage rooms. The rest of all the rooms are wide open. In the last year we did make a couples massage room so that we could allow couples for Valentine's Day and so and so forth. So there is only really three rooms that can do oil massage and everything else is open. So 90 percent of the building, that space is open.

Bahr asked how many employees he has doing the massages and Davis replied right now I only have two, but I'm actually going to close for a couple weeks because I just have too many things going on and I'm trying to get this thing approved or see if we can or what we're going to do.

Bahr said when you say right now you only have two, is that due to Covid, and when you're running full speed how many do you have and Davis replied I've had up to four. Bahr then said and one of those is Miss Hoob, right, and then three additional ones and Davis replied correct. Bahr then asked if every one of them is licensed and Davis replied no, sir. Davis said under foot massage you don't have to be licensed. So anybody that does body massage is licensed. Bahr asked how many in addition to Miss Hoob are licensed to do the body massage and Davis replied I've always had two.

Councilmember Jolly asked Davis if he can briefly explain what your participation was in terms of managing this; were you on site on a regular basis on the business end, you know, who's doing the books and that sort of stuff?

Davis replied unfortunately, that's one of the things, besides retiring I feel that I am not able to spend the amount of time that is required to be on site because of my other businesses have taken off so good. So I don't have the time to spend. Through the years I tried to be there as much as possible but I can be honest with you, I'm not there as much as I should be.

Jolly asked over the course of the last six years on a typical week would you say that you spend 10 to 20 hours there a week or 20 or more hours there a week?

Davis replied less than 20, maybe 10, maybe 10 hours a week.

Vice President Bahr stated there are still things to sort through on this, but as I've cleaned out the cobwebs of what we heard seven years ago when this came before us and listened to them tonight, I still have concerns but I'll offer an approving as well as the denying for us to consider in two weeks.

President McIntyre said Mr. Davis and Ms. Raycraft, you now heard that we have an approving resolution, a denying resolution, and a resolution referring this to the Committee of the Whole, so again, we request that you join us at the Regular Council Meeting, which will be Monday night February 22nd at 7:00 p.m. And if there's any

additional information that you would like to get into Council's hands prior to that meeting, please contact the Council office.

DIRECTION: 1) APPROVING REGULAR
2) DENYING
3) REFER TO COMMITTEE OF THE WHOLE

REPORT TO THE LIVONIA CITY COUNCIL

Council Office
February 9, 2021

MEETING DATE	PREPARED BY
February 22, 2021	Sara Kasprowicz, Council Office Manager,

AGENDA ITEM

REQUEST FOR WAIVER USE EXTENSION TO NEW USER: Melissa Wojnar-Raycraft, representative of Mike Cox Law Firm, on behalf of XiaoPing Hoob, re: Petition 2014-10-02-14, submitted by Elite Foot Spa, LLC, to operate a massage establishment on property located on the southeast corner of Plymouth and Stark Roads {34389 Plymouth Road) in the Northeast 1/4 of Section 33. (CR 373-14)

BACKGROUND

RECOMMENDATION

To extend the waiver use approval from Edward Davis to XiaoPing Hoob for Elite Foot Spa located at 34389 Plymouth Road

FISCAL CONSIDERATION

ATTACHMENTS

1. S020821 Req for Extension of Waiver Use - Elite Foot Spa (WAIVERS)
2. S120114 Pet 2014-10-02-14 (Elite Foot Spa) 34389 Plymouth Road CR 373-14

APPROVED BY

From:	Melissa Wojnar-Raycraft
To:	Kasprowicz, Sara
Cc:	Melissa Wojnar-Raycraft; Crystal Sharkas; Ed Davis
Subject:	Request for Extension of Waiver Use/ Elite Foot Spa
Date:	Tuesday, January 26, 2021 6:06:37 PM
Attachments:	21.01.26 ltr to Livonia City Council.pdf

January 26, 2021

Sara,

Please see the attached request for extension of waiver use on behalf of the Elite Foot Spa to be added to the agenda for the February 8, 2021 City Council Study meeting. Please advise if there is any other information the Council will need.

Thanks for help.
Melissa

Melissa Wojnar-Raycraft

THE MIKE COX LAW FIRM

The Mike Cox Law Firm, PLLC
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Email: mraycraft@mikecoxlaw.com

January 26, 2021

VIA EMAIL

Livonia City Council
33000 Civic Center Dr.
Livonia, MI 48154
Attention: Sara Kasprowicz, Council Office Manager
Email: skasprowicz@livonia.gov

RE: Edward Davis, Elite Foot Spa, LLC,
34389 Plymouth Road, Livonia, Michigan
Request for Extension of Waiver Use to a New Owner

Dear Council Members,

The Mike Cox Law Firm, PLLC represents the Elite Foot Spa, LLC ("Elite Foot Spa") and Mr. Edward Davis in the above referenced matter.

Mr. Davis, the current owner of the Elite Foot Spa, requests that the Livonia City Council ("Council") approve an extension of the waiver use to a new prospective owner, Ms. XiaoPing Hoob, licensed massage therapist (license #7501005730), and manager of the Elite Foot Spa.

On December 15, 2014, the Council adopted Resolution #373-14 which approved the special waiver use per Section 11.03(u) of the Zoning Ordinance #543 to Elite Foot Spa to operate a massage establishment at 34389 Plymouth Road within the Senate Plaza. See attached.

The City Council's Resolution #373-14 included a requirement that Council approve an extension of the waiver use to a new owner:

> FURTHER, that the petitioner shall enter into a conditional agreement limiting this waiver use to this user only, with the provision to extend this waiver use to a new user only upon the approval of the new user by the City Council.

For five years, the Elite Foot Spa has provided outstanding and affordable foot reflexology and body massage services to the residents of the City of Livonia. Ms. Hoob has managed the Spa for five years. The property manager of the Senate Plaza, Craig Gonzalez, can confirm that the Elite Foot Spa has been an excellent tenant for five years and he would like to keep the Spa as a

tenant in the Plaza. Mr. Davis would like to retire and sell his Spa to his manager, Ms. Hoob, and one of the necessary steps is the Council's approval of the waiver use to Ms. Hoob.

Mr. Davis requests that his request for an extension of the waiver use be added to the agenda for the February 8, 2021 City Council Study meeting and to agenda for the next City Council regular meeting on February 22, 2021.

If you have any additional questions, please feel free to contact me at (734) 591-4002 or mraycraft@mikecoxlaw.com.

Very truly yours,

THE MIKE COX LAW FIRM, PLLC

Melissa Wojnar-Raycraft

Melissa Wojnar-Raycraft, Esq.

Enclosure
CC: Mr. Edward Davis

ADOPTED BY THE LIVONIA CITY COUNCIL AT THE REGULAR MEETING OF DECEMBER 15, 2014

#373-14 RESOLVED, that having considered a communication from the City Planning Commission, dated November 20, 2014, which transmits its resolution 11-62-2014, adopted on November 18, 2014, with regard to Petition 2014-10-02-14, submitted by Elite Foot Spa, L.L.C., requesting waiver use approval to operate a massage establishment (Elite Foot Spa), located on the southeast corner of Plymouth and Stark Roads (34389 Plymouth Road) within the Stark Plaza Shopping Center in the Northeast 1/4 of Section 33, the Council does hereby concur in the recommendation made by the City Planning Commission and Petition 2014-10-02-14 is hereby approved and granted, subject to the following conditions:

1. That this facility shall comply with all of the special waiver use standards and requirements pertaining to massage establishments as set forth in Section 11.03(u) of the Zoning Ordinance #543;

2. That this facility shall conform to the provisions set forth in Chapter 5.49 of the Livonia Code of Ordinances pertaining to massage establishments;

3. That the Petitioner shall not engage in any form of solicitation for business within the public right-of-ways of Plymouth or Stark Roads; and

4. That the Law Department determine what, if any, certifications are required in order for the Petitioner to engage in reflexology services at this location.

FURTHER, that the petitioner shall enter into a conditional agreement limiting this waiver use to this user only, with the provision to extend this waiver use to a new user only upon the approval of the new user by the City Council.

WAIVERS
Pet 2014-10-02-14
(Elite Foot Spa, LLC)
Approval of request to operate a massage establishment located on the southeast corner of Plymouth and Stark Roads (34389 Plymouth Road) within the Stark Plaza Shopping Center, Section 33.

#373-14 RESOLVED, that having considered a communication from the City Planning Commission, dated November 20, 2014, which transmits its resolution 11-62-2014, adopted on November 18, 2014, with regard to Petition 2014-10-02-14, submitted by Elite Foot Spa, L.L.C., requesting waiver use approval to operate a massage establishment (Elite Foot Spa), located on the southeast corner of Plymouth and Stark Roads (34389 Plymouth Road), within the Stark Plaza Shopping Center, in the Northeast 1/4 of Section 33, the Council does hereby concur in the recommendation made by the City Planning Commission and petition 2014-10-02-14 is hereby approved and granted, subject to the following conditions:

1. That this facility shall comply with all of the special waiver use standards and requirements pertaining to massage establishments as set forth in Section 11.03(u) of the Zoning Ordinance #543;

2. That this facility shall conform to the provisions set forth in Chapter 5.49 of the Livonia Code of Ordinances pertaining to massage establishments;

3. That the Petitioner shall not engage in any form of solicitation for business within the public right-of-ways of Plymouth or Stark Roads; and

4. That the Law Department determine what, if any, certifications are required in order for the Petitioner to engage in reflexology services at this location.

FURTHER, that the petitioner shall enter into a conditional agreement limiting this waiver use to this user only, with the provision to extend this waiver use to a new user only upon the approval of the new user by the City Council.

CONSENT AGENDA ITEMS (Regular Meeting of December 15, 2014)

Motion by: ***Toy***
Seconded by: ***Scheel***

ROLL CALL:
Ayes: ***Kritzman, Pastor, Meakin, Toy, Scheel, Nash, and Brosnan***
Nays: ***None***
Absent: ***None***

CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD DECEMBER 1, 2014

Meeting was called to order at 8:07 p.m. by Vice-President Meakin. Present: Brandon Kritzman, John Pastor, Laura Toy, Lynda Scheel, Susan Nash, and Brian Meakin. Absent: Maureen Miller Brosnan.

Elected and appointed officials present: Todd Zilincik, City Engineer; Mark Taormina, Director of Planning and Economic Development; Don Knapp, City Attorney; Terry Marecki, City Clerk; and Mayor Jack Kirksey.

23. WAIVER PETITION: Planning Commission, re: Petition 2014-10-02-14, submitted by Elite Foot Spa, L.L.C., to operate a massage establishment (Elite Foot Spa), located on the southeast corner of Plymouth and Stark Roads (34389 Plymouth Road), within the Stark Plaza shopping center, in the Northeast 1/4 of Section 33.

Mark Taormina, Director of Planning and Economic Development, presented the request to Council. He said, as Council may know, massage establishments require waiver use approval under the provisions set forth in Section 11.03(u) of the Zoning Ordinance. Elite Foot Spa falls under this requirement. The petitioner is proposing to operate a massage establishment within the Stark Plaza shopping center at the southeast corner of Plymouth and Stark Roads. This is a multi-tenant retail plaza on about 3.36 acres in area altogether. It is zoned C-2. The plaza itself is an L-shaped building with about 29,000 square feet of floor area. The largest single tenant is Senate Coney Island, which occupies a unit at the north end of the building adjacent to Plymouth Road. Elite Foot Spa would occupy an interior unit located along the westerly portion of the building closer to Stark Road. The site plan shows the approximate location where the new business would be located. This unit is about 2,300 square feet in size. No exterior changes are proposed to the building. In terms of parking, it's based on the useable floor area of the shopping center. Stark Plaza is classified as a Group Commercial Center with the required parking ratio of one space for every 150 square feet of useable floor area. The existing parking is more than sufficient to accommodate the proposed use. There are a number of special requirements as they apply to massage establishments. One is that there be a minimum separation of 400 feet between other massage establishments. This petition does comply with that requirement. There are no similar uses within 400 feet of the proposed Elite Foot Spa. Secondly, no massage establishments are allowed within 400 feet of a school, place of worship, state licensed daycare facility, public library, playground or public park. Again, Elite Foot Spa would comply with this requirement. Lastly, there is a zoning ordinance restriction regarding the hours of operation which are limited from 8:00 a.m. to 10:00 p.m. Taormina said

he believes the petitioner is aware of this but said they didn't have information regarding the exact hours of this business.

Cindy Elber, Pinckney, Michigan, was present on behalf of the petitioner, Ed Davis, who is currently out of town. She was present to answer any questions Council may have.

Toy asked Ms. Elber why they feel the business will be successful at this location. Ms. Elber said Mr. Davis does believe there is market for this service. Toy asked if there were separate rooms or if it is an open area concept. Elber replied it is open just like a hair salon or nail salon, it has different stations.

Toy offered the approving resolution for the Consent Agenda.

DIRECTION: APPROVING CONSENT

PLANNING COMMISSION

R. LEE MORROW, Chairman
IAN WILSHAW, Vice Chairman
CAROL A. SMILEY, Secretary

SCOTT BAHR
KATHLEEN E. McINTYRE
GERALD TAYLOR

JACK KIRKSEY
MAYOR

MARK TAORMINA
PLANNING & ECONOMIC
DEVELOPMENT DIRECTOR

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2290 Fax (734) 466-2108

November 20, 2014

Honorable Members of the City Council
City of Livonia, Michigan

Re: Petition 2014-10-02-14 - Elite Foot Spa, L.L.C. – Seven Day Waiver Request

Dear Council Members:

At the 1,064th Public Hearings and Regular Meeting held by the City Planning Commission on November 18, 2014, in the Livonia City Hall, the following resolution was unanimously adopted:

#11-63-2014 **RESOLVED,** that the City Planning Commission does hereby determine to waive the provisions of Section 10 of Article VI of the Planning Commission Rules of Procedure, regarding the effective date of a resolution after the seven-day period from the date of adoption by the Planning Commission, in connection with Petition 2014-10-02-14 submitted by Elite Foot Spa, L.L.C. requesting waiver use approval pursuant to Section 11.03(u) of the City of Livonia Zoning Ordinance #543, as amended, to operate a massage establishment (Elite Foot Spa) at 34389 Plymouth Road within the Stark Plaza shopping center, located on the southeast corner of Plymouth and Stark Roads in the Northeast 1/4 of Section 33.

Very truly yours,

APPROVED FOR SUBMISSION

Jack Kirksey

Jack Kirksey, Mayor

CITY PLANNING COMMISSION

Carol A. Smiley

Carol A. Smiley, Secretary

cc: Mayor, Clerk, Law, Inspection, Zoning Board of Appeals
Ed Davis, 11960 Chase Blvd., Livonia, MI 48150
George Dimopoulus, 43580 Scenic Lane, Northville, MI 48167

PLANNING COMMISSION

R. LEE MORROW, Chairman
IAN WILSHAW, Vice Chairman
CAROL A. SMILEY, Secretary

SCOTT BAHR
KATHLEEN E. McINTYRE
GERALD TAYLOR

JACK KIRKSEY
MAYOR

MARK TAORMINA
PLANNING & ECONOMIC
DEVELOPMENT DIRECTOR

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2290 Fax (734) 466-2108

November 20, 2014

Honorable Members of the City Council
City of Livonia, Michigan

Re: Petition 2014-10-02-14 - Elite Foot Spa, L.L.C.

Dear Council Members:

At the 1,064th Public Hearings and Regular Meeting held by the City Planning Commission on November 18, 2014, in the Livonia City Hall, the following resolution was unanimously adopted:

#11-62-2014 **RESOLVED**, that pursuant to a Public Hearing having been held by the City Planning Commission on May 13, 2014, on Petition 2014-10-02-14 submitted by Elite Foot Spa, L.L.C. requesting waiver use approval pursuant to Section 11.03(u) of the City of Livonia Zoning Ordinance #543, as amended, to operate a massage establishment (Elite Foot Spa) at 34389 Plymouth Road within the Stark Plaza shopping center, located on the southeast corner of Plymouth and Stark Roads in the Northeast 1/4 of Section 33, which property is zoned C-2, the Planning Commission does hereby recommend to the City Council that Petition 2014-10-02-14 be approved for the following reasons or subject to the following conditions:

1. That this facility shall comply with all of the special waiver use standards and requirements pertaining to massage establishments as set forth in Section 11.03(u) of the Zoning Ordinance #543;

2. That this facility shall conform to the provisions set forth in Chapter 5.49 of the Livonia Code of Ordinances pertaining to massage establishments;

3. That the Petitioner shall not engage in any form of solicitation for business within the public right-of-ways of Plymouth or Stark Roads; and

4. That the Law Department determine what, if any, certifications are required in order for the Petitioner to engage in reflexology services at this location.

Subject to the preceding conditions, this petition is approved for the following reasons:

1. That the proposed use complies with all of the general waiver use standards and requirements as set forth in Section 19.06 of the Zoning Ordinance #543;

2. That the subject site has the capacity to accommodate the proposed use; and

3. That the proposed use is compatible to and in harmony with the surrounding uses in the area.

FURTHER, the Planning Commission recommends the approval of a Conditional Agreement limiting this waiver use to this user only, with the provision to extend this waiver use approval to a new user only upon approval of the new user by the City Council.

FURTHER RESOLVED, that notice of the above hearing was given in accordance with the provisions of Section 19.05 of Zoning Ordinance #543, as amended.

Very truly yours,

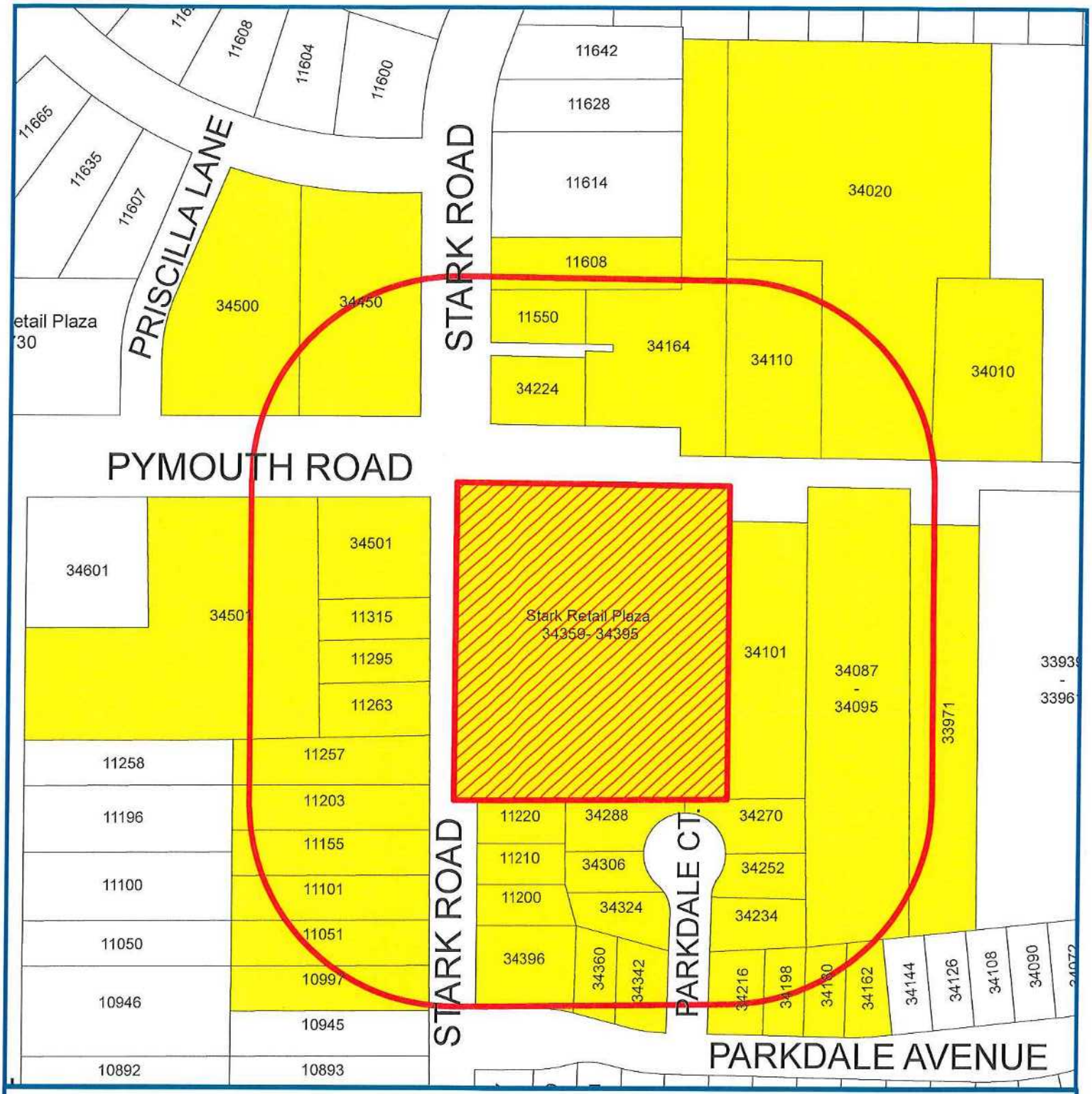
APPROVED FOR SUBMISSION

Jack Kirksey, Mayor

CITY PLANNING COMMISSION

Carol A. Smiley, Secretary

cc: Mayor, Clerk, Law, Inspection, Zoning Board of Appeals
Ed Davis, 11960 Chase Blvd., Livonia, MI 48150
George Dimopoulus, 43580 Scenic Lane, Northville, MI 48167



Notification Map

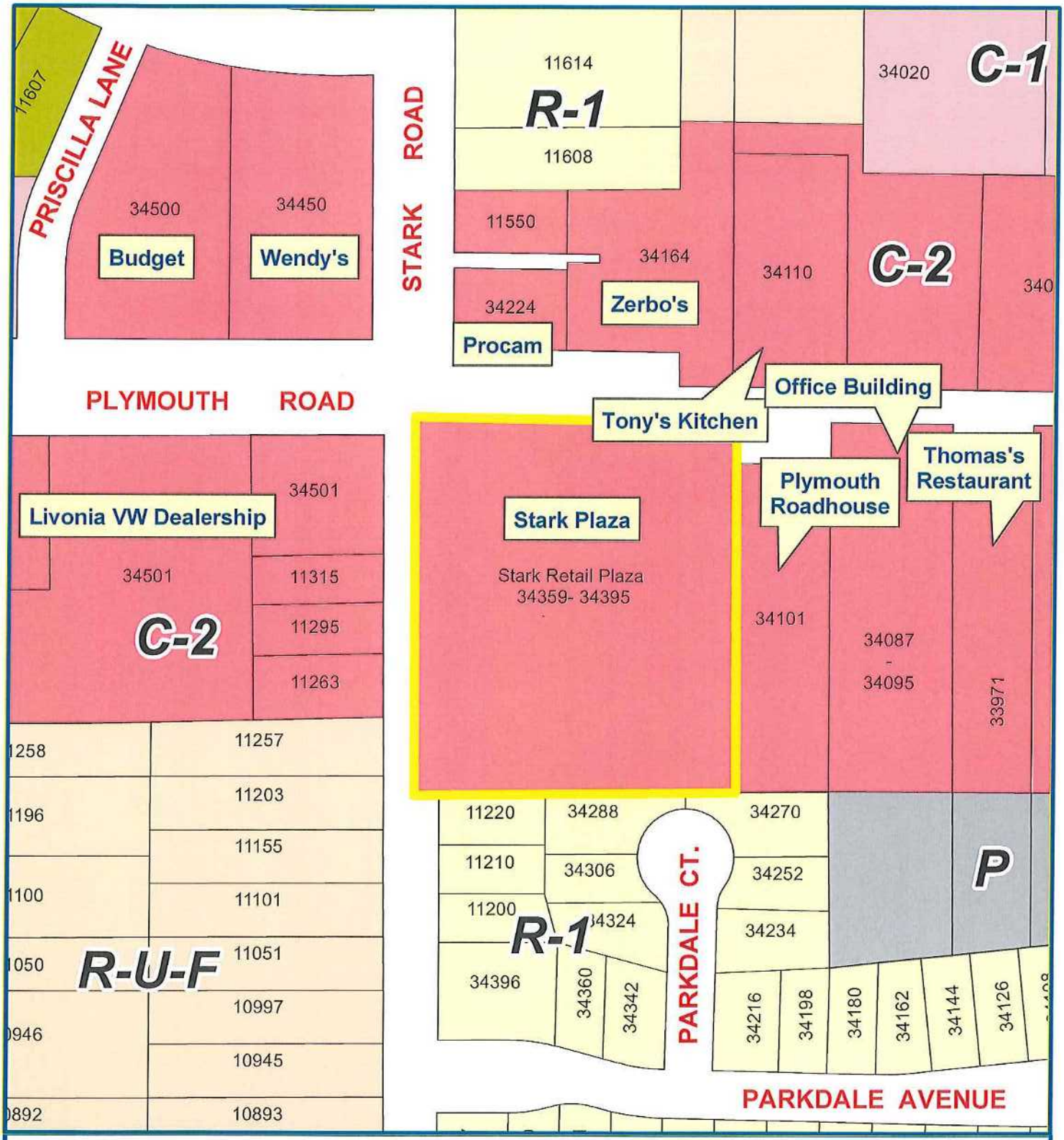
Petition 2014-10-02-14
Elite Foot Spa
34389 Plymouth Road/Stark Plaza
Operate Massage Establishment

Site Under Petition
300 Feet Radius
Properties within 300 feet

N
Not to Scale

City of Livonia
Planning Department

Date of Public Hearing: November 18, 2014

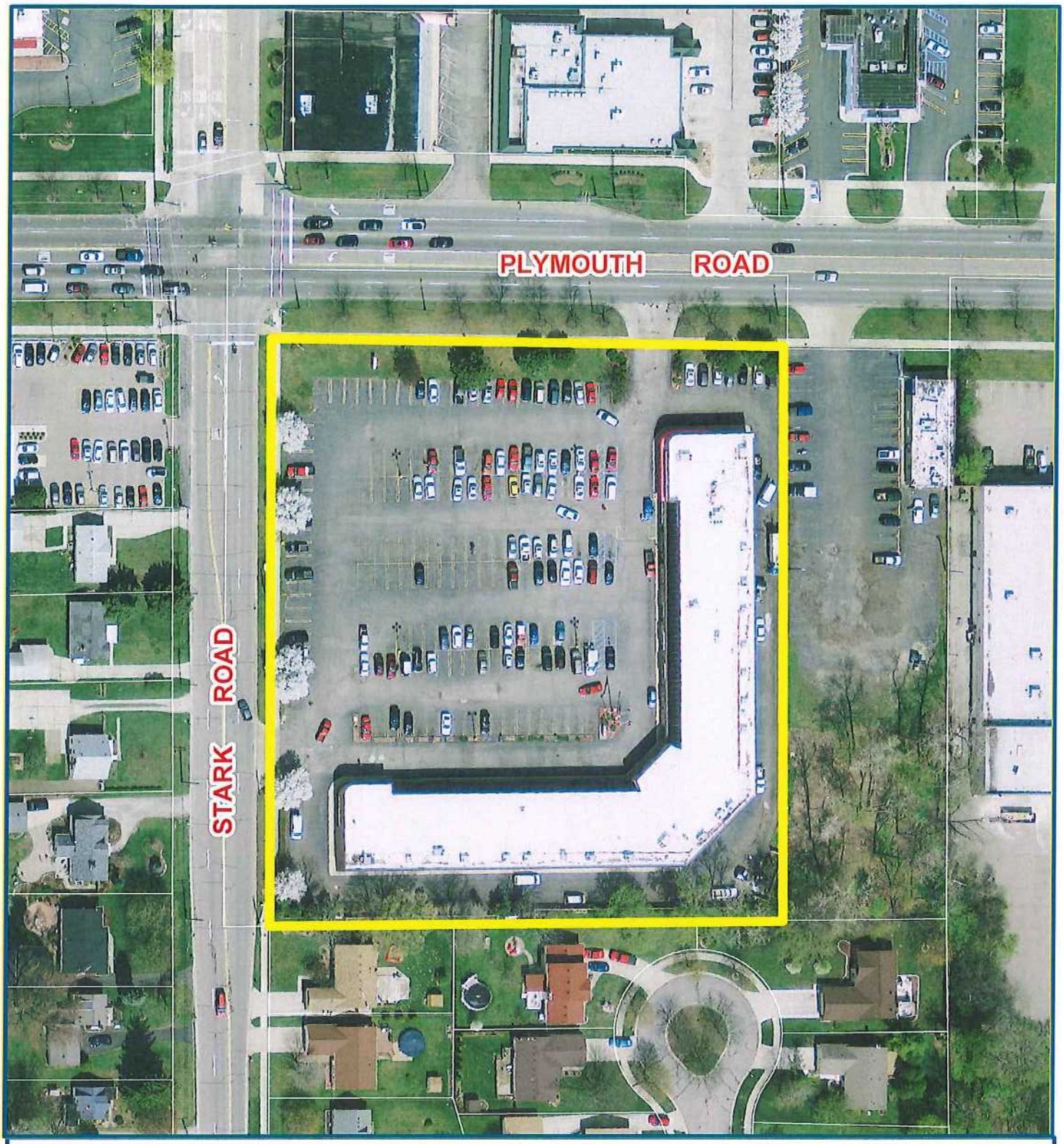


Address & Zoning Map

Petition 2014-10-02-14
Elite Foot Spa
34389 Plymouth Road/Stark Plaza
Operate Massage Establishment

N
Not to Scale

City of Livonia
Planning Department

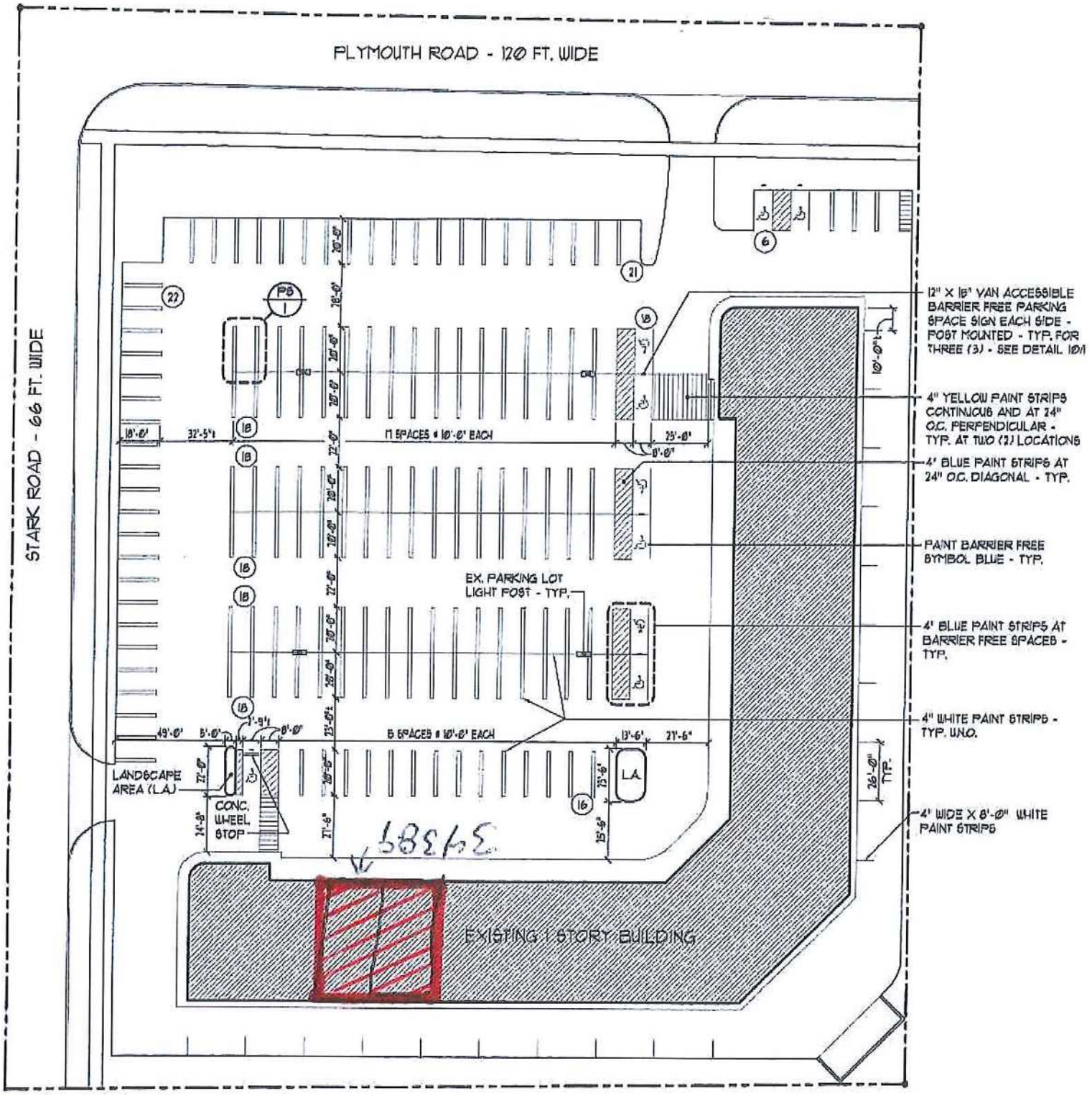


Aerial Map

Petition 2014-10-02-14
Elite Foot Spa
34389 Plymouth Road/Stark Plaza
Operate Massage Establishment

N
Not to Scale

City of Livonia
Planning Department

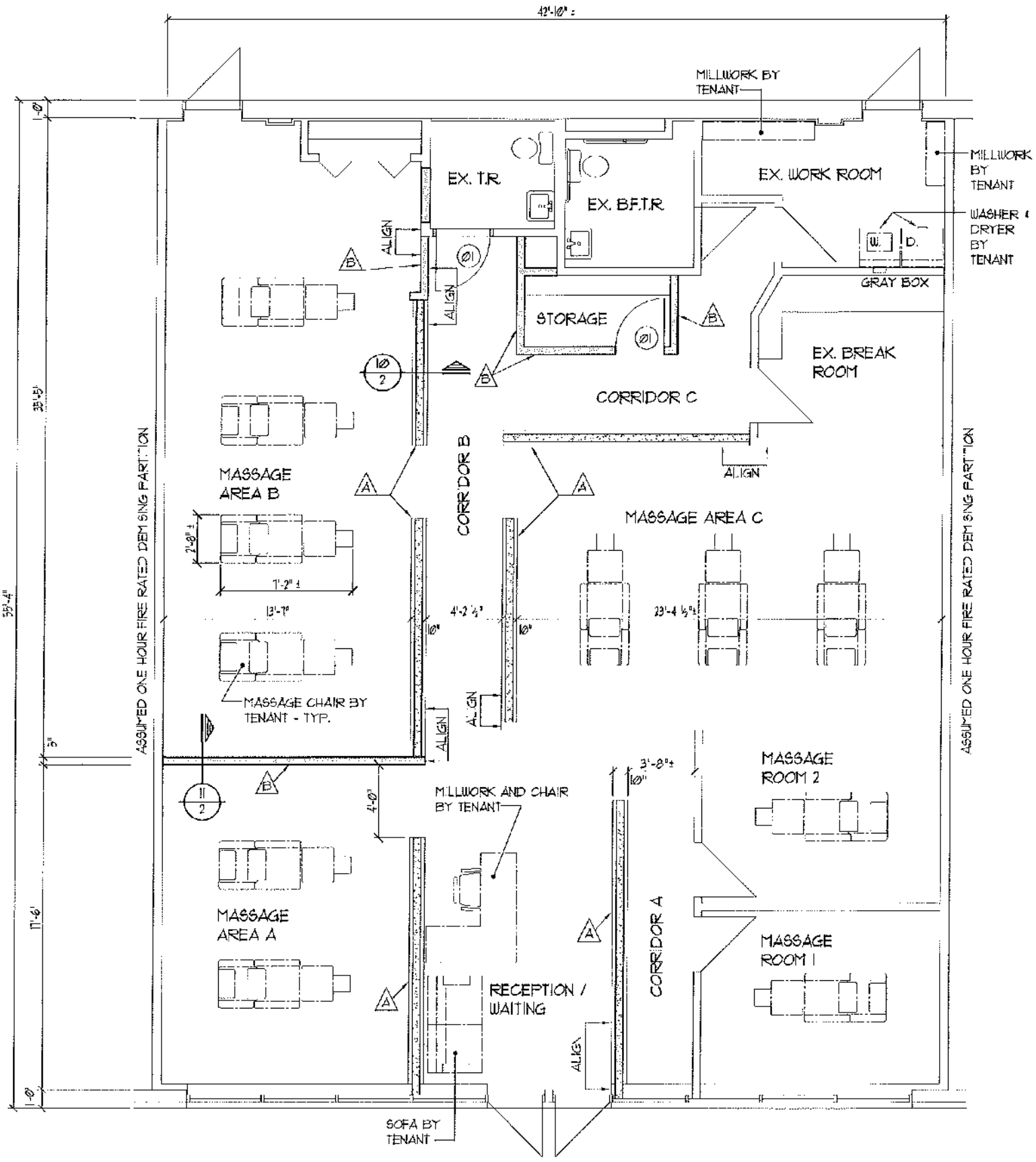


NORTH

PROPOSED PARKING SITE PLAN

SCALE: 1" = 30'-0"

TOTAL PROPOSED PARKING SPACES = 173 SPACES TOTAL
(9 B.F. SPACES)



PROPOSED FLOOR PLAN

SCALE: 1/4" = 1'-0"

NORTH

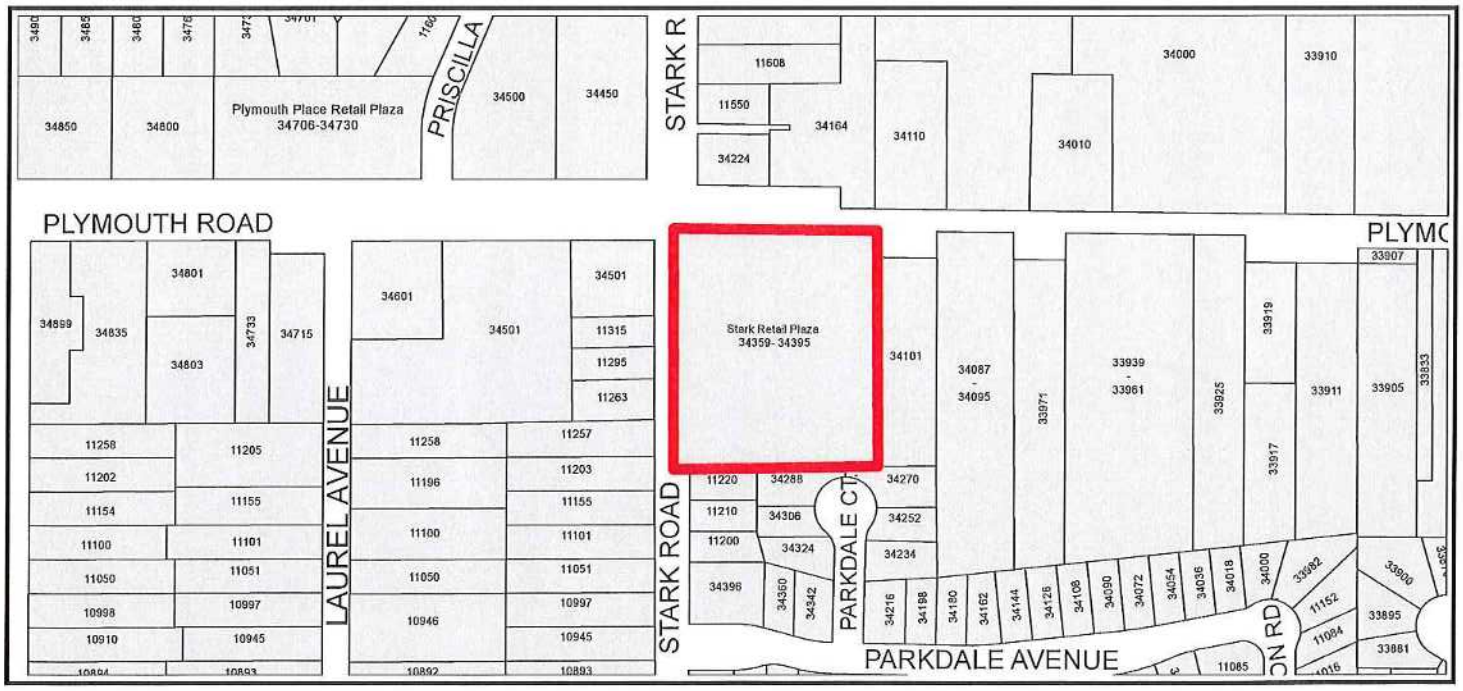
NOTICE OF PUBLIC HEARING

CITY OF LIVONIA PLANNING COMMISSION

33000 Civic Center Drive
Livonia, Michigan 48154-3097
(734) 466-2290
Fax: (734) 466-2108

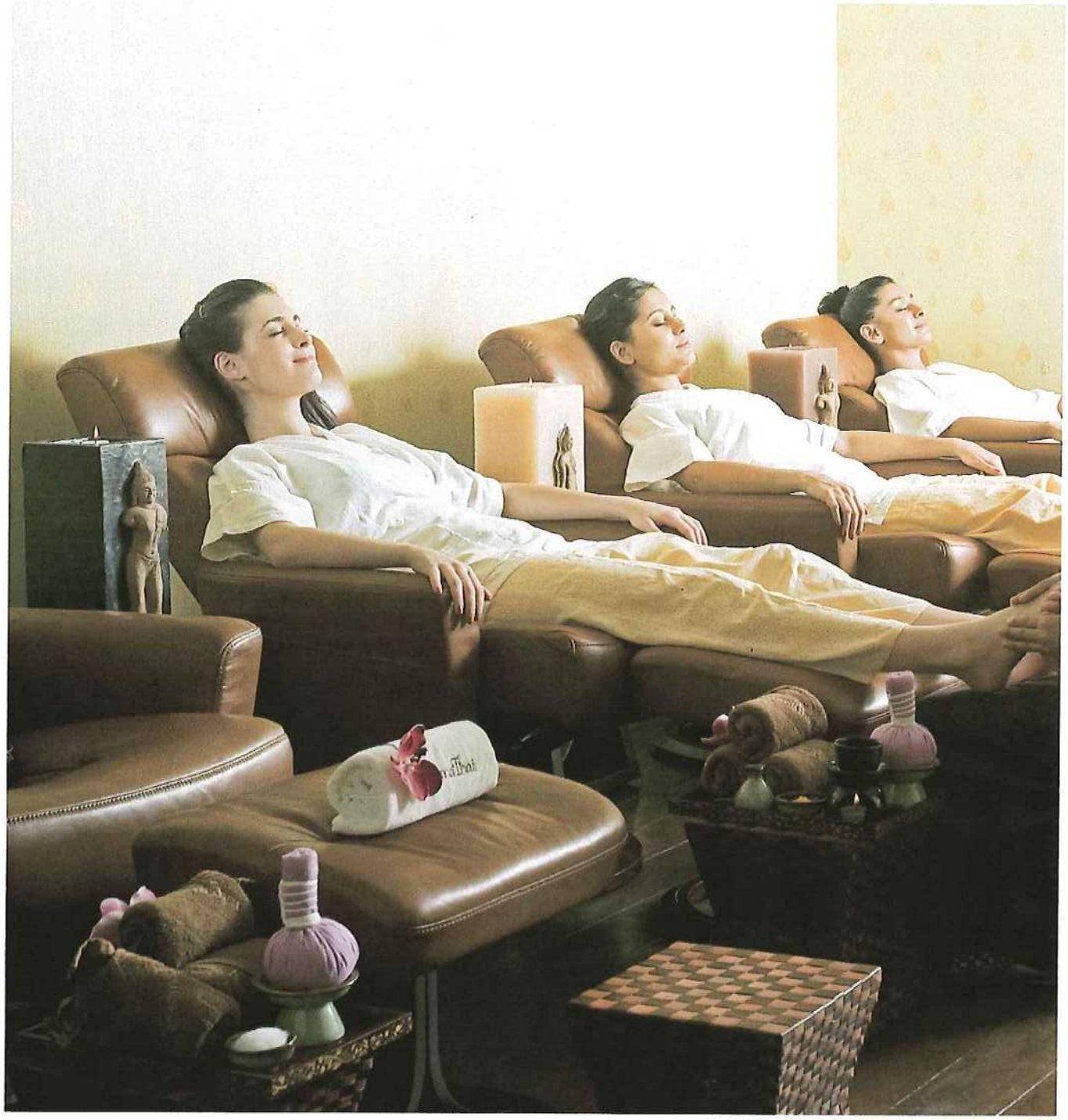
A PUBLIC HEARING WILL TAKE PLACE BEFORE
THE CITY PLANNING COMMISSION OF THE CITY OF LIVONIA
ON TUESDAY NOVEMBER 18, 2014 AT THE
LIVONIA CITY HALL, 33000 CIVIC CENTER DRIVE, LIVONIA, MICHIGAN
AT 7:00 P.M., OR AS SOON THEREAFTER AS THE AGENDA
WILL PERMIT ON THE FOLLOWING ITEM:

Petition 2014-10-02-14 submitted by Elite Foot Spa, L.L.C. requesting waiver use approval pursuant to Section 11.03 (u) of the City of Livonia Zoning Ordinance #543, as amended, to operate a massage establishment (Elite Foot Spa) at 34389 Plymouth Road within the Stark Plaza shopping center, located on the southeast corner of Plymouth and Stark Roads in the Northeast ¼ of Section 33.

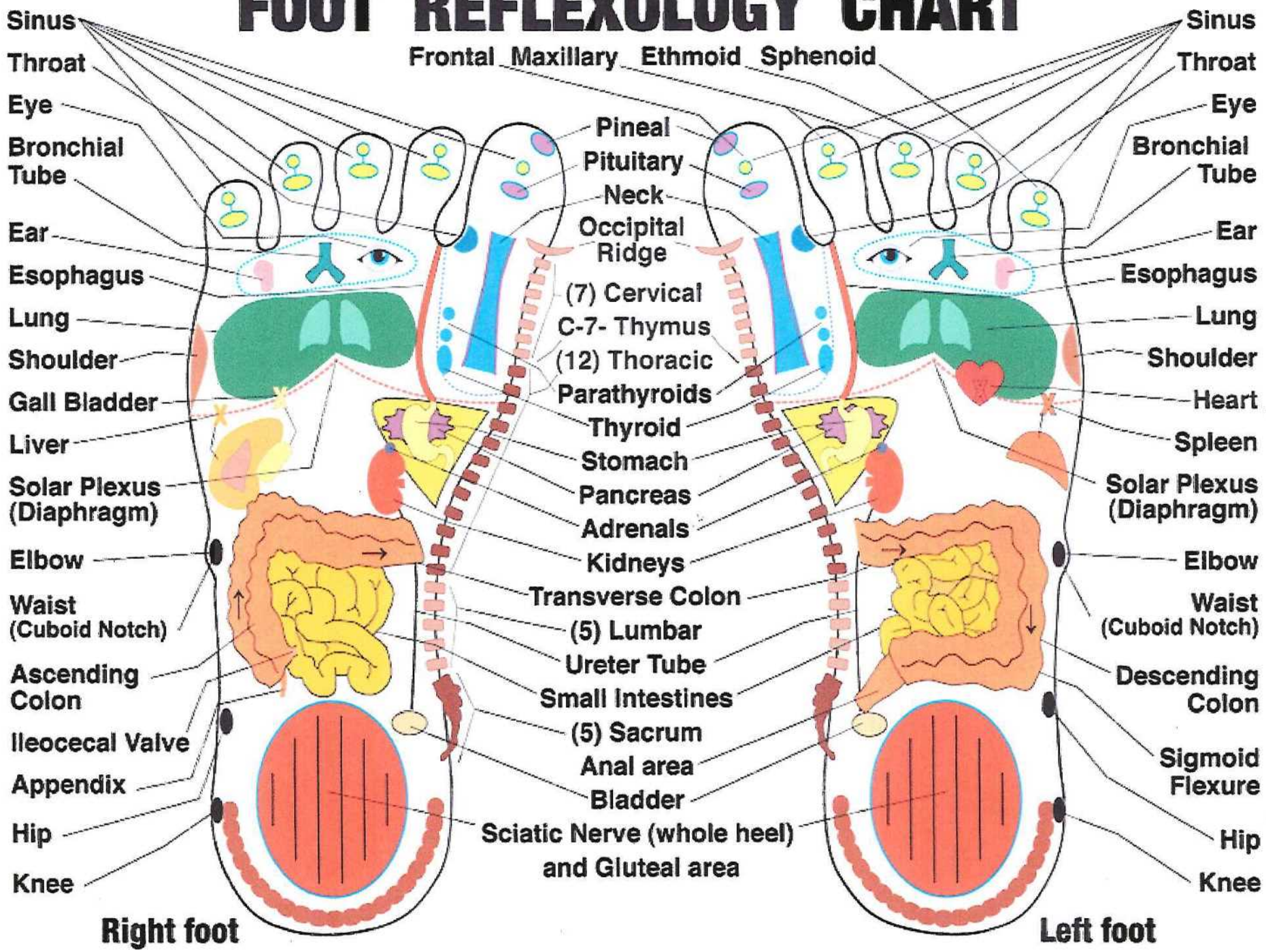


YOU ARE ENCOURAGED TO ATTEND THE PUBLIC HEARING AND PRESENT YOUR VIEWS ON THIS MATTER TO THE CITY PLANNING COMMISSION.

In accordance with Title II of the American with Disabilities Act as it pertains to access to Public Meetings, the Planning Department of the City of Livonia, upon adequate notice, will make reasonable accommodations for persons with special needs. Please call 734-466-2290 if you need assistance.



FOOT REFLEXOLOGY CHART



Integrative Reflexology® Bring the Feet to Life © 2007 Claire Marie Miller • AMTA Registered and Nationaly Certified Massage Therapis

INSPECTION DEPARTMENT

BUILDING
HEATING
PLUMBING
ELECTRICAL
ZONING
SANITATION
ENVIRONMENTAL PROTECTION
ORDINANCE ENFORCEMENT

JACK E. KIRKSEY
MAYOR

A. ALEXANDER BISHOP, CBO
DIRECTOR

JEROME A. HANNA
ASSISTANT DIRECTOR

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2580
FAX: (734) 466-2095

Date: November 18, 2014

To: Scott O. Miller

From: Jerome Hanna

RE: Petition 2014-10-02-14 – 34389 Plymouth Road – Elite Foot Spa

Pursuant to your request, the above referenced Petition has been reviewed.

The following is noted:

1. All rear doors to the tenant spaces must be marked with the appropriate address. A minimum of 4 inches high numbers is required.

2. No signage has been reviewed at this time.

This Department has no further objections to this Petition. I trust this provides the requested information.

Jerome Hanna
Assistant Director of Inspection

JH/kdt

Sm File

DEPARTMENT OF PUBLIC SAFETY
LIVONIA FIRE & RESCUE

SHADD A. WHITEHEAD
FIRE CHIEF

JACK E. KIRKSEY
MAYOR

14910 FARMINGTON ROAD
LIVONIA, MICHIGAN 48154-5419
(734) 466-2444
FAX: (734) 466-2082

RECEIVED
OCT 29 2014
CITY OF LIVONIA
PLANNING COMMISSION

October 28, 2014

Scott O. Miller, Planner IV
Planning Commission
City of Livonia

RE: Petition 2014-10-02-14, Elite Foot Spa, 34389 Plymouth Rd

This office has reviewed the site plan submitted in connection with a request to operate a massage establishment on property located at the above referenced address.

We have no objections to this proposal with the following stipulations:

1. Fire lanes shall be marked with freestanding signs that have the words FIRE LANE – NO PARKING painted in contrasting colors (on both sides) at a size and spacing approved by the authority having jurisdiction.

2. Chapter 36, New Mercantile Occupancies, and Chapter 7, Means of Egress, must be conformed to which includes Emergency Exit Signs, Emergency Lighting, Exit Pathways, Travel Distance, Occupant Load, and Extinguisher Requirements. NFPA 101, 2009.

Sincerely,

Daniel Lee

Daniel Lee
Fire Marshal

DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

TODD J. ZILINCIK, P.E.
CITY ENGINEER

JACK E. KIRKSEY
MAYOR

KEVIN L. MAILLARD, P.E.
DIRECTOR OF PUBLIC WORKS

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2571
FAX: (734) 466-2195

RECEIVED
OCT 24 2014
CITY OF LIVONIA
PLANNING COMMISSION

October 24, 2014

Mr. Scott Miller
Planner IV
City of Livonia

Re: Petition 2014-10-02-14 – Elite Foot Spa

Dear Mr. Miller:

In accordance with your request, the Engineering Division has reviewed the above referenced planning petition. We have no objections to the proposed site renovation at this time. The proposed plan indicates that project will consist of renovating the exterior of the building which will not require Engineering Department permits.

The legal description provided with the petition appears to be correct and is acceptable to this office. The existing parcel is assigned an address of #34359 Plymouth Road with a range of #34359 to #34395 Plymouth Road for the individual units within the building. The address of **#34389 Plymouth Road** does appear to be the correct location for the proposed Elite Foot Spa

The existing structure is currently serviced by public utilities, which are to remain in place. Should changes to the existing utility leads be needed, the owner will need to submit plans to the Engineering Department to determine if permits will be required.

Should you have any additional questions on this matter, please feel free to contact myself at (734) 466-2608 or the City Engineer, Mr. Todd Zilincik at (734) 466-2561. If you would prefer, you can e-mail either of us at dlear@ci.livonia.mi.us or tzilincik@ci.livonia.mi.us.

Sincerely,

David W. Lear, P.E.
Civil Engineer II

cc: 2014 Petition File

File

DEPARTMENT OF PUBLIC SAFETY
DIVISION OF POLICE

CURTIS CAID
CHIEF OF POLICE

JACK E. KIRKSEY
MAYOR

15050 Farmington Road
LIVONIA, MICHIGAN 48154-5499
(734) 466-2470
FAX: (734) 261-2265

October 21, 2014

RECEIVED
OCT 22 2014
CITY OF LIVONIA
PLANNING COMMISSION

Scott O. Miller
Planning Commission
33000 Civic Center Drive
Livonia, MI 48154

Re: Petition 2014-10-02-14 Elite Foot Spa

Dear Mr. Miller,

I have reviewed the plans in connection with the petition. I have no objections to the proposal.

Yours very truly,
FOR THE CHIEF OF POLICE

Sgt. J Boitos #448
Joseph Boitos, Sergeant
Traffic Bureau

Walter, Debra

From: planning@ci.livonia.mi.us
Sent: Wednesday, November 05, 2014 6:35 AM
To: ttokarz@att.net
Subject: Submission Confirmation

Name: Thomas Tokarz

Street: 11257 Stark Rd

City: Livonia

State: Mi

Postal Code: 48150

Telephone: 734-525-3916

Email Address: ttokarz@att.net

Summary Field: Petition 2014-10-02-14 ELITE FOOT SPA Will not be available to attend hearing. I live across the street. First I'm all for new business. My question is- Will all activities at this establishment take place in private rooms or will it be an open space? How is this type of business regulated? I wish them well- but request that all activities take place in an open space, and be required never to have private rooms. Thanks for your time Tom Tokarz

CITY OF LIVONIA, MICHIGAN
APPLICATION FOR VARIOUS APPROVAL

All applications must be presented in triplicate to the City Clerk, 33000 Civic Center Drive, Livonia, MI 48154-3097. Applications **must** include property owner's name, address and signature. **Filing fee = $600.00 plus $20.00 for each 1,000 sq. ft. of gross floor area of new construction.**

Date Filed: October 17, 2014 Petition # 2014 10 02 14

Site Address: 34389 Plymouth Sidwell # ~~[illegible]~~ 129-99-0008-001 Zoning of Property C-2

Requesting approval to Massage business

Applicant: Ed Davis Business/Company: Elite Foot Spa LLC

Applicant's Address: 34389 Plymouth City: Livonia State: MI Zip Code: 48150

Applicant's Phone # (313) 719 1268 Applicant's Fax # (734) 462-2553

Contact Person: Ed Davis Business/Company: Elite Foot Spa

Contact's Address: 34389 Plymouth City: Livonia State: MI Zip Code: 48150

Contact's Phone # (313) 719-1268 Contact's Fax # (734) 462-2553

State whether you have previously received or applied for any determination from the Planning Commission, Zoning Board of Appeals and/or the City Council pursuant to the provisions of the Zoning Ordinance #543 with respect to this property. **No** (X) **Yes.** ( ) **IF YES,** state the date of such determination(s) or application(s) and attach a copy of the previous application(s) and resolution(s).

Please provide the following information:

1) **Site Plan** showing:
   - property dimensions, including road rig
   - foot print of building, including dimensi
   - all easements, protective walls, sidewa
   - any significant topographic features (e
   - parking layout, including type of surfac
   - method used in calculating parking rec
   - location of light standards servicing pa
   - location of trash receptacle, including
   - location of signs (if proposed must sat
2) **Detailed Landscape Plan** including:
   - listing or labeling of all planted materia
   - areas to be fully irrigated
   - percentage of landscaping provided (1
3) **Building Elevation Plan** depicting:
   - architectural quality
   - wall section & detail plan - exterior bu
   - all visible rooftop mechanical equipme
4) **General Floor Plan** showing:
   - floor layout
   - entrances & exits
   - restaurants are required to illustrate seating arrangement & capacity
5) **Legal Description** of the property to be considered (Clearly Printed)
6) One (1) completed application form, **twenty three (23) sets of full size drawings**
7) **One (1) set of reduced plans, a maximum 11" x 17" in size, or digital file in a .pdf format either on CD or emailed to smiller@ci.livonia.mi.us**

Send Notices to:

EDWARD DAVIS
11960 CHASE BLVD
LIVONIA 48150
313-719-1268

RECEIVED
OFFICE OF THE CITY CLERK
2014 OCT 17 PM 1:09

brick, dryvit)

You are invited and encouraged to review your proposal with the Planning Department staff subsequent to the filing of this application. Only one set of preliminary drawings will be necessary for this analysis.

FEE COMPUTATION **$600.00**

_____ sq. ft. of new construction x $20.00 per 1,000 sq. ft.
(**NOTE**: Round off to nearest 1,000) + _____
Total Amount Due $ _____

Owner of Property: George Dimopoulos - Manager Craig Gonzalez

Owner's Address: 13580 Scenic Ln City: Northville State: MI Zip Code: 48167

Owner's Phone # (734) 927-1126 Owner's Fax # (734) 927-1127

~~Signature of Owner of~~ Property = Manager [signature] 3136587?

Subscribed and sworn to before me, a Notary Public in and for the County of ~~Wayne~~ Oakland State of Michigan

on this 10th day of October 20 14

Signature of Notary Kimberly L Lethemon My commission expires 07-24-2018

Acting in the County of Wayne

KIMBERLY L LETHEMON
Notary Public - Michigan
Oakland County
My Commission Expires Jul 24, 2018
Acting in the County of Wayne

CC: eng

PLANNING COMMISSION STAFF NOTES

PUBLIC HEARING

ITEM 2

Petition 2014-10-02-14 submitted by Elite Foot Spa, L.L.C. requesting waiver use approval pursuant to Section 11.03(u) of the City of Livonia Zoning Ordinance #543, as amended, to operate a massage establishment (Elite Foot Spa) at 34389 Plymouth Road within the Stark Plaza shopping center, located on the southeast corner of Plymouth and Stark Roads in the Northeast ¼ of Section 33.

October 28, 2014 Study Meeting:

The petitioner is requesting waiver use approval to operate a massage establishment at Stark Plaza shopping center. The site of the shopping center is 3.37 acres in area, and is located at the southeast corner of Plymouth and Stark Roads. Stark Plaza contains roughly 15 tenant spaces and 29,141 square feet of gross floor area. Senate Coney Island occupies the largest space at the north end of the shopping center. The subject site is zoned C-2 (General Business).

Massage establishments require waiver use approval in a C-2 District under the provisions set forth in Section 11.03(u) of the Zoning Ordinance. Massage Establishment is defined as a *place where manipulated massage or exercises are practiced for pay upon the human body by anyone using mechanical, therapeutic, or bathing devices or techniques...provided further, that the massages are administered only by certified massage therapists who meet the criteria set forth in Chapter 5.49 of the Livonia Code of Ordinances.*"

Stark Plaza is an "L"-shaped building with one end of the center located close to Plymouth Road and the other end near Stark Road. Customer parking is located in front of the storefronts. The proposed massage establishment would occupy an interior unit located in the westerly portion of the center, set back from Plymouth Road and located closer to Stark Road. This tenant space is approximately 2,365 square feet in area. No exterior changes or modifications would occur to the building.

Parking for the new user is determined according to the parking requirement for the overall shopping center. Stark Plaza complies with the City's parking schedule for group commercial centers, and thus parking for the proposed massage establishment will be adequate.

The special requirements that apply to massage establishments include Section 11.03(u)(2), which specifies that no massage establishment shall be located within 400 feet of any other property which is either occupied or approved for a massage establishment. Elite Foot Spa complies with this special waiver use

requirement: no other establishment dedicated to massage therapy is located within 400 feet of the proposed location.

In addition, Section 11.03(u)(3) specifies that no massage establishment be located within 400 feet of a school, place of worship, state-licensed day care facility, public library, playground, or public park, as measured from any point of the subject property to any point of the properties listed above. Elite Foot Spa also complies with this special waiver use requirement. None of the listed uses is located within 400 feet of the proposed massage therapy business.

The Zoning Ordinance restricts the daily hours of operation of any massage establishment from 8:00 a.m. to 10:00 p.m. The petitioner is aware of this restriction.

All massage establishments must conform to the provisions set forth in Chapter 5.49 of the Code of Ordinances, establishing the procedures and standards for licensing, as well as requirements for obtaining a massage therapist permit.

November 18, 2014 Public Hearing:

Approving Resolution: That this request to operate a massage establishment (Elite Foot Spa) at 34389 Plymouth Road within the Stark Plaza shopping center shall be approved subject to the following condition:

1. That this facility shall comply with all of the special waiver use standards and requirements pertaining to massage establishments as set forth in Section 11.03(u) of the Zoning Ordinance #543;

2. That this facility shall conform to the provisions set forth in Chapter 5.49 of the Livonia Code of Ordinances pertaining to massage establishments; and

3. The Petitioner shall not engage in any form of solicitation for business within the public right-of-ways of Plymouth or Stark Roads.

Subject to the preceding conditions, this petition is approved for the following reasons:

1. That the proposed use complies with all of the general waiver use standards and requirements as set forth in Section 19.06 of the Zoning Ordinance #543;

2. That the subject site has the capacity to accommodate the proposed use; and

3. That the proposed use is compatible to and in harmony with the surrounding uses in the area.

FURTHER, the Planning Commission recommends the approval of a Conditional Agreement limiting this waiver use to this user only, with the provision to extend this waiver use approval to a new user only upon approval of the new user by the City Council.

Denying Resolution: That this request to operate a massage establishment (Elite Foot Spa) at 34389 Plymouth Road within the Stark Plaza shopping center is denied for the following reasons

1. That the petitioner has failed to affirmatively show that the proposed use is in compliance with all of the special and general waiver use standards and requirements as set forth in Sections 11.03 and 19.06 of the Zoning Ordinance #543;

2. That the petitioner has not adequately established that there is a need for the proposed use in the shopping center;

3. That the petitioner has not sufficiently demonstrated that the proposed use would be compatible to and in harmony with the surrounding uses in the area; and

4. That the proposed use is contrary to the goals and objectives of the Zoning Ordinance which, among other things, are intended to insure suitability and appropriateness of uses.

UNAPPROVED MINUTES

MINUTES OF THE 1,064th PUBLIC HEARINGS AND REGULAR MEETING HELD BY THE CITY PLANNING COMMISSION OF THE CITY OF LIVONIA

On Tuesday, November 18, 2014, the City Planning Commission of the City of Livonia held its 1,064th Regular Meeting in the Livonia City Hall, 33000 Civic Center Drive, Livonia, Michigan.

Mr. Lee Morrow, Chairman, called the meeting to order at 7:00 p.m.

Members present:	Scott Bahr	Kathleen McIntyre	R. Lee Morrow
	Carol A. Smiley	Gerald Taylor	Ian Wilshaw

Members absent: None

Mr. Mark Taormina, Planning Director, and Margie Watson, Program Supervisor, were also present.

Chairman Morrow informed the audience that if a petition on tonight's agenda involves a rezoning request, this Commission makes a recommendation to the City Council who, in turn, will hold its own public hearing and make the final determination as to whether a petition is approved or denied. The Planning Commission holds the only public hearing on a request for preliminary plat and/or vacating petition. The Commission's recommendation is forwarded to the City Council for the final determination as to whether a plat is accepted or rejected. If a petition requesting a waiver of use or site plan approval is denied tonight, the petitioner has ten days in which to appeal the decision, in writing, to the City Council. Resolutions adopted by the City Planning Commission become effective seven (7) days after the date of adoption. The Planning Commission and the professional staff have reviewed each of these petitions upon their filing. The staff has furnished the Commission with both approving and denying resolutions, which the Commission may or may not use depending on the outcome of the proceedings tonight.

ITEM #2 PETITION 2014-10-02-14 ELITE FOOT SPA

Ms. Smiley, Secretary, announced the next item on the agenda, Petition 2014-10-02-14 submitted by Elite Foot Spa, L.L.C. requesting waiver use approval pursuant to Section 11.03(u) of the City of Livonia Zoning Ordinance #543, as amended, to operate a massage establishment (Elite Foot Spa) at 34389 Plymouth Road within the Stark Plaza shopping center, located on the southeast corner of Plymouth and Stark Roads in the Northeast 1/4 of Section 33.

Mr. Taormina: As you know, massage establishments require waiver use approval under the provisions set forth in Section 11.03(u) of the Zoning Ordinance. Elite Foot Spa falls under this requirement. The petitioner is proposing to operate a massage establishment within the Stark Plaza shopping center at the southeast corner of Plymouth and Stark Roads. This is a multi-tenant retail plaza on about 3.36 acres in area altogether. It is zoned C-2. The plaza itself is an L-shaped building with about 29,000 square feet of floor area. The largest single tenant is Senate Coney Island, which occupies a unit at the north end of the building adjacent to Plymouth Road. Elite Foot Spa would occupy an interior unit located along the westerly portion of the building closer to Stark Road. The site plan shows the approximate location where the new business would be located. This unit is about 2,300 square feet in size. No exterior changes are proposed to the building. In terms of parking, it's based on the useable floor area of the shopping center. Stark Plaza is classified as a Group Commercial Center with the required parking ratio of one space for every 150 square feet of useable floor area. The existing parking is more than sufficient to accommodate the proposed use. There are a number of special requirements as they apply to massage establishments. One is that there be a minimum separation of 400 feet between other massage establishments. This petition does comply with that requirement. There are no similar uses within 400 feet of the proposed Elite Foot Spa. Secondly, no massage establishments are allowed within 400 feet of a school, place of worship, state licensed daycare facility, public library, playground or public park. Again, Elite Foot Spa would comply with this requirement. Lastly, there is a zoning ordinance restriction regarding the hours of operation which are limited from 8:00 a.m. to 10:00 p.m. I believe the petitioner is aware of this but we don't have information regarding the exact hours of this business. With that, Mr. Chairman, I can read out the departmental correspondence.

Mr. Morrow: Yes, please.

Mr. Taormina: There are five items of correspondence. The first item is from the Engineering Division, dated October 24, 2014, which reads as follows: *"In accordance with your request, the Engineering Division has reviewed the above referenced planning petition. We have no objections to the proposed site renovation at this time. The proposed plan indicates that project will consist of renovating the exterior of the building which will not require Engineering Department permits. The legal description provided with the petition appears to be correct and is acceptable to this office. The existing parcel is assigned*

an address of #34359 Plymouth Road with a range of #34359 to #34395 Plymouth Road for the individual units within the building. The address of #34389 Plymouth Road does appear to be the correct location for the proposed Elite Foot Spa. The existing structure is currently serviced by public utilities, which are to remain in place. Should changes to the existing utility leads be needed, the owner will need to submit plans to the Engineering Department to determine if permits will be required." The letter is signed by David W. Lear, P.E., Civil Engineer II. The second letter is from the Livonia Fire & Rescue Division, dated October 28, 2014, which reads as follows: *"I have reviewed the site plan submitted in connection with a request to This office has reviewed the site plan submitted in connection with a request to operate a massage establishment on property located at the above referenced address. We have no objections to this proposal with the following stipulations: (1) Fire lanes shall be marked with freestanding signs that have the words FIRE LANE – NO PARKING painted in contrasting colors (on both sides) at a size and spacing approved by the authority having jurisdiction. (2) Chapter 36, New Mercantile Occupancies, and Chapter 7, Means of Egress, must be conformed to which includes Emergency Exit Signs, Emergency Lighting, Exit Pathways, Travel Distance, Occupant Load, and Extinguisher Requirements. NFPA 101, 2009."* The letter is signed by Daniel Lee, Fire Marshal. The third letter is from the Division of Police, dated October 21, 2014, which reads as follows: *"I have reviewed the plans in connection with the petition. I have no objections to the proposal."* The letter is signed by Joseph Boitos, Sergeant, Traffic Bureau. The fourth letter is from the Inspection Department, dated November 18, 2014, which reads as follows: *"Pursuant to your request, the above-referenced petition has been reviewed. The following is noted: (1) All rear doors to the tenant spaces must be marked with the appropriate address. A minimum of 4 inches high numbers is required. (2) No signage has been reviewed at this time. This Department has no further objections to this petition."* The letter is signed by Jerome Hanna, Assistant Director of Inspection. Lastly, we have received an email correspondence, dated November 5, 2014, which reads as follows: *"Will not be available to attend hearing. I live across the street. First, I'm all for new business. My question is, will all activities at this establishment take place in private rooms or will it be an open space? How is this type of business regulated? I wish them well, but request that all activities take place in an open space, and be required never to have private rooms. Thanks for your time."* Tom Tokarz, 11257 Stark Road, Livonia, Michigan 48150. That is the extent of the correspondence.

Mr. Morrow: Are there any questions of the Planning Director? Seeing none, is the petitioner here this evening? We will need your name and address for the record please.

Ed Davis, 11960 Chase Blvd., Livonia, Michigan 48150. I'm going to be the owner of this. It's at 34389 Plymouth Road. We are trying to open up a foot massage. It's not really a foot massage. We are trying to do foot reflexology. Basically, it's a little bit different than doing a massage. We're trying to promote health, pain, different things that help people be able to deal with stress and so on and so forth. We want to do pretty much all foot therapy, not massage. We came to the Board to try to pass with massage because for future business, we're hoping we can work with chiropractors, physical therapists, to do some help for them as far as shoulders, legs, things like that. We will have two rooms that will be able to do that, but our main business is open. It's an open floor plan. Pretty much five chairs. They are not in beds. They are massage chairs. We're not planning on having lots of rooms or anything like that, but we do want to be able to have the opportunity to expand the business in the future if we see it needed to keep paying the pays and make money. But our outline here is basically just to work with the feet, only the feet, and allow people to relax, get stress-free, take care of their pain, different things like that. I have kind of an internet picture because we don't have our thing yet, but this is basically kind of what we would have. It's lots of chairs in a row.

Craig Gonzalez, Manager, G+D Properties, 34385 Plymouth Road, Livonia, Michigan 48150. Ladies and gentleman of the Commission, my name is Craig Gonzalez. I'm with G+D Properties that owns the shopping center. George Dimipolous is the principal. He's unable to be here this evening so he wanted me to attend in case there was any questions you had for us as the owners and managers of the property.

Mr. Morrow: Okay. Does the Commission have any questions at this time?

Mr. Bahr: To the petitioner, is Elite Foot an independent business or is this a chain, a franchise?

Mr. Davis: It is an independent business. I own a business in Livonia. I do network and security. I have one of my clients that we travel a lot. I've been to a few different areas – Los Angeles, Indiana has some of these. So I thought that it would be a good idea to bring it to Michigan. I actually went into several of them before even

trying to do this to get an idea. Is it really what people say it is? The Chinese say that they've been doing it for 500 years. So I wanted to get a feel for it. So it's not a franchise. It's my own thing that I want to start here. I'm hoping to expand it into more areas down the road. Right now, I'm pretty much in Michigan. All that's offered is the massage. They do offer doing your feet, but it's in a massage type atmosphere. Closed rooms, tables, beds, whatever you want to call them.

Mr. Bahr: So it's an independent business. I assume you don't have any background yourself in doing this just from what you said. You're the entrepreneur just setting up the business.

Mr. Davis: Right.

Mr. Bahr: Where have you learned how to run a business like this?

Mr. Davis: I actually have a partner. Not a partner for the business, but somebody that I've been working with for a while that knows a lot about it. She's going to help me run it. She wasn't able to make it today.

Mr. Bahr: Can you clarify . . . I was sorting this question through my head and then realized that I think earlier you were answering the question I was going to ask, but I didn't catch it all. Explain again the purpose of the two private rooms up in the front.

Mr. Davis: The two private rooms are existing right now and we don't want to take them out of the plan. We were hoping or we're trying to see if we can expand the business into helping chiropractic offices, physical therapy offices. There's several massage places around. I don't want to do just oil massage. So the rooms, but in order to do some of the physical therapy ones or whatever, they would have to undress or at least their shirt and that kind of thing, so they would have to be in a private room. They cannot be out in the open.

Mr. Bahr: Okay. Thanks.

Ms. McIntyre: Two questions please. Who are your competitors in the area, and number two, where will you find . . . I understand that any sort of massage therapy, including reflexology, has to be licensed.

Mr. Davis: Reflexology, as far as my understanding is, there is no licensing for that. My therapist would be licensed or both if we can do

that. I already have some of them that are ready to come on board.

Ms. McIntyre: I didn't understand that people who practice only reflexology do not need to be licensed in the state.

Mr. Davis: That is correct.

Ms. McIntyre: So how will you find these people? What will their training be? How will you certify if they are not licensed that they qualify to be practitioners?

Mr. Davis: The plan would be that the people that I do have that have certifications, they will be making sure they have the ability to do the work and do it properly. If needed, we will do a training thing with them. They'll start working as a trainer, and we will get them licensed in the State of Michigan.

Ms. McIntyre: Okay. Thank you.

Mr. Wilshaw: I'm just trying to understand exactly how this service is going to work. I saw the picture of the chairs. If a person is using a chair, is it all automated then or is a person actually still doing manipulation with the feet and so on? Do you just sit down and the machine does all the work?

Mr. Davis: No machine. It's all done with somebody with their hands.

Mr. Wilshaw: Okay.

Mr. Davis: So basically it's a chair that they sit in. They kind of relax back a little bit. Normally they put like a towel over them to keep them warm. Sometimes a towel across so that their eyes can be closed. Dim lighting. Then their feet hang off the side of it. They're soaped for ten minutes or something like that. Then they pull them out, dry them. When they start working with an oil, they do one foot then they do the other foot and they also use some type of cream afterwards. I'm not 100 percent on it because I don't do it, but I'm learning. Then they continue to do that, clean them all off and that's pretty much it. So they pretty much sit up. I know at the end of it they'll do some parts of their legs right here.

Mr. Wilshaw: Calves and so on.

Mr. Davis: That's pretty much it.

Mr. Wilshaw: Okay.

Mr. Davis: We like to cater to lots of couples come and sometimes families come where there's a husband and wife and their children. They all come at one time. So that's why we have these ones where we have several of them in a row.

Mr. Wilshaw: Okay. So you'll have people there that do this that are trained in it, and you yourself, you don't have any training. You're just sort of the businessman, visionary.

Mr. Davis: Yeah. Like I said, I own my own business in Livonia right now. I stay pretty busy. I want to try another avenue. I've lived in Livonia all my life. I want to keep money coming into Livonia. I think it's a great idea once we educate everybody on how relaxing it is. Of course, if you guys approve me, I invite every one of you to come and I'll pick up the tab for it okay, because I feel that once you have it, and I'm a man and I thought that's the craziest thing ever. Women might like it but why would a man like that? That's kind of nuts but that's not true. It's great and again, I invite all of you to try it because word of mouth is going to help me and I'm hoping that we can grow the business in Livonia and bring in more money.

Mr. Wilshaw: Do pedicure services then come along as well?

Mr. Davis: No.

Mr. Wilshaw: None of that?

Mr. Davis: No.

Mr. Wilshaw: Strictly the massage?

Mr. Davis: Yes. No pedicure.

Mr. Wilshaw: Okay. Very good.

Mr. Davis: Nothing there.

Mr. Wilshaw: That's interesting. I would hope you understand some of the concerns that even one resident wrote us and that we've expressed a little bit about private rooms and massage. It's sort of a stigma there and that is something that is top of mind with some of us and with me, at least. It's something that concerns

me, but I do understand the need if you're having say like a couples thing, you want to have a room that two people can be in and have a conversation and not be interfering.

Mr. Davis: Around everybody else. Exactly. And I'm totally with you. I do not want to run any type of a business that wouldn't bring people in and make people happy and relaxed. I'm not looking to do that.

Mr. Wilshaw: Okay. Very good. Thank you. I appreciate it and I think you'll probably put your best foot forward on this. Thank you.

Ms. Smiley: I have a little bit of anxiety about this. You don't do pedicures and they're not really licensed massage therapists. They are people that think they might want to do it. One person is going to train them. Even if you go for a pedicure, they have to go through training in a school and be licensed.

Mr. Davis: Right. What we will try to do is get mostly people that have massage ability. They have training. They have worked in massage facilities before. We're not looking to grab somebody off the street and say hey, we're going to train you how to do this because that would run people out. Nobody has to be licensed for that, but my plan will be to try and bring in as many experienced people as I can.

Ms. Smiley: What would something like this cost and how long would a session last?

Mr. Davis: Well, it will vary. We haven't actually set the pricing. Normally it's an hour for either $45 or $50. Then we'll probably provide a half-hour one too. It can increase up to two hours, but I don't know how many people get a foot massage for two hours. So it will probably be right about $45 to $50 for an hour.

Ms. Smiley: Which is pretty much like a pedicure, but those people have . . . maybe my question is through the chair to Mark. Don't our therapists in a massage facility have to be licensed?

Mr. Taormina: Yes, however, the licensing is handled by the State now. I'm not sure about reflexology and what the requirements are. It's something that the City no longer has the authority to license. It's all handled by the State.

Mr. Davis: And reflexology doesn't hold a license, but the plan is to have at least most everybody, if not everybody, with a license.

Ms. Smiley: Thank you.

Ms. McIntyre: I just did some quick research and there are only two states that license reflexologists. Those would be North Dakota and Tennessee. The State of Washington requires that they become certified with the Department of Health. So there is no licensing requirement in Michigan according to this source, but there are certification programs that people can get.

Mr. Davis: That's correct.

Ms. McIntyre: Usually through massage, so I guess it's really a question, and this is probably beyond the scope of what we address, but if you were going to have your employees be certified or not certified. I'm not asking you answer that. I'm just saying that's a question, but they don't require licensing.

Mr. Davis: If we were able to move into the part working with the chiropractors or doing some type of massage, they will be licensed and it will also be documented.

Ms. McIntyre: That requires licensing.

Mr. Davis: Yes. Who's doing it and when and so and so forth, because we do have to deal with the State. So if the State comes in, I have to be able to show them records of who's doing what.

Mr. Taylor: Mark, I'm a little confused as to how we're covered by this city-wise in our ordinance. We don't issue a license and they don't have to be therapists. How are we covering this so things don't happen that we don't want to happen in an establishment of this sort?

Mr. Taormina: The Inspection Department still has some oversight and authority in terms of verifying compliance under the Zoning Ordinance. But they are still treated as a waiver use. So the use itself is required to obtain waiver approval by the Council. That part did not change with the preemption of the licensing requirements by the State.

Mr. Taylor: To the petitioner, this is kind of new to all of this. I understand there is a foot massage or therapist in the mall, but they are, I guess, evidently, therapists. They're massage therapists.

Mr. Davis: If they are doing massage, I'm not even sure in a mall because it's not an oil massage. They don't have their clothes off. They may not need to have the license. I'm not sure on that.

Mr. Taormina: Licensing is still required for any bona fide massage therapist. The question is, if they are certified to do reflexology then they can perform that and that's not necessarily the aspect that requires the license, but other types of massage therapy does. If you read the definition of massage establishment in our ordinance, this would definitely fall under it. So that's why you have authority this evening to review it as a wavier use. But again, the licensing requirements and everything else, certification, that's all handled by the State. And maybe even the certification is not something that falls under the purview of the State. That might be something that somebody can just obtain by one of the schools that offer a certification process.

Mr. Taylor: Thank you.

Ms. Smiley: I'm reading your thing and it says massage establishment is defined as a place where manipulated massage or exercises are practiced for pay upon the human body by anyone using mechanical, therapeutic or bathing devices or techniques.

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Mr. Taormina: So clearly this falls under the definition of massage establishment.

Ms. Smiley: But it says provided further that the massages are administered only by certified massage therapists. I'm not getting that these are certified massage therapists.

Mr. Taormina: That raises the issue of whether or not his employees then would have to be certified in the art of reflexology. If that's the case, then maybe that will be a requirement of the waiver use.

Ms. Smiley: Well, I'm not a lawyer but . . . .

Mr. Taormina: You're wondering if they have to carry a certification to perform reflexology. That's something that we'd have to have our attorneys address ultimately when this goes before the City Council. So I think that's a good thing to point out in our proceedings this evening and something we can follow through with as it proceeds on to Council, if it moves forward this evening.

Ms. Smiley: And I want to make it clear, I'm not trying to accuse you of running anything funny and I'm not. I enjoy a pedicure and I enjoy massages. It sounds interesting, but there's a legal question before your business can get off the ground. We got to cross t's and dot some i's.

Mr. Morrow: Mark, would anything we've heard tonight preclude us from moving forward with this petition? There seems to be a gray area.

Mr. Taormina: Unless you want the answer to that question prior to moving forward. Otherwise I think we could frame that question to our Legal Department in advance of the Council's review of this, again if it moves forward, so that they would respond accordingly to the Council on that.

Mr. Morrow: From what I've heard, as a Commissioner I don't have any objection to it. We just want to make sure that if we move it forward, that the legal people look at it. Do you have to register with the State or anything to get that certification? Will they be aware of your operation so they can come in and check?

Mr. Davis: I have massage therapists that will have their license. Now, I don't know how the State is going to work it, but I'm assuming that they're going to follow-up on where people work and/or businesses and come in and check. But I can't answer the question as far as I don't have to register with them. I have to register the business.

Mr. Morrow: I'm talking about the people that actually work on the feet.

Ms. McIntyre: They don't have to register.

Mr. Davis: They don't have to register with anybody.

Mr. Morrow: I think that's the only hang-up I've got is we don't want to send something and not have it meet our ordinances at least if there's any state requirement that we're bypassing that.

Mr. Davis: Right.

Mr. Morrow: Did you have something, Mrs. McIntyre?

Ms.McIntyre: No. Just that the understanding from the information I had tonight is there's no registration or certification required by the State of the people who are only doing the foot. Anybody who

does any other massage then they do fall under the registration of the State. Otherwise, there's nothing except our language about certification and that language was probably created at a time before really we comprehended the existence of reflexology, which is a kind of massage that doesn't require licensing.

Mr. Taormina: That would appear to be the case.

Mr. Morrow: Okay. I like what Mark said about if we move it forward tonight, between now and when they get to the Council, the legal people will take a look at it to make sure we are on safe ground. Is that a fair assessment of what you're thinking of Mark?

Mr. Taormina: Correct.

Ms. McIntyre: Mr. Chair, a question through you to Mr. Taormina. So would we append a condition, Mark, that approval was pursuant upon resolution of the certification language?

Mr. Taormina: I think that's fine. We can fashion some language as part of the resolution that would trigger review by our Law Department.

Mr. Wilshaw: Does Section 11.03 of the Zoning Ordinance specify the same verbiage that massage establishments must have certified employees, because that's a condition of our approving resolution, would essentially cover that. Because we're saying that they must conform to that Section.

Mr. Taormina: What we're referring to is contained within the definition section, Article II.

Mr. Wilshaw: Okay. Then I think we should specify that.

Mr. Taormina: Yes, I agree.

Mr. Wilshaw: Just my comment. I think even though there's no licensing procedure for massage or reflexology therapists, I think the City was trying to be cautious in allowing these establishments to take things basically one step further and say, hey, if we going to have these facilities as a waiver use, we want to make sure that the people who work there are at least certified and show their certifications, if asked that they're all certified. And certified doesn't mean license. It just means that they've gone through some sort of program and learned how to do this properly as

opposed to someone walking in off the street and saying I can rub your feet.

Mr. Davis: That would be foolish for me to bring in people that . . . I mean . . .

Mr. Wilshaw: Right.

Mr. Davis: I haven't researched the certification actually for that, so I'm not really sure what that takes to do that.

Mr. Wilshaw: It does two things. It helps protect you as a business to make sure you have qualified employees. It also helps protect the City in the sense that if someone was to set up one of these establishments and have some nefarious or alternative purpose for it that is not in keeping with the family-focused community that we have, those types of businesses wouldn't be hiring certified reflexologists. It's a way to kind of help weed that out, I think. As Mrs. McIntyre pointed out, it's possible certified people could provide additional services, I guess, but there's no guarantees. I think that's the logic of the ordinance and I think it's a wise thing to have. In this case, it presents the situation that we may have what appears to be a very legitimate business wanting to come in that may not have all their employees certified. We need to understand if that's acceptable to us and to the City, or if we want to maintain that level of certification requirement that is existing in the language now. That's my only comment.

Mr. Morrow: Thank you. Anything else? I'm going to go to the audience. Is there anybody in the audience that wishes to speak for or against the granting of this petition? Seeing no one coming forward, I'm going to ask for a motion.

On a motion by McIntyre, seconded by Smiley, and unanimously adopted, it was

#11-62-2014 **RESOLVED**, that pursuant to a Public Hearing having been held by the City Planning Commission on May 13, 2014, on Petition 2014-10-02-14 submitted by Elite Foot Spa, L.L.C. requesting waiver use approval pursuant to Section 11.03(u) of the City of Livonia Zoning Ordinance #543, as amended, to operate a massage establishment (Elite Foot Spa) at 34389 Plymouth Road within the Stark Plaza shopping center, located on the southeast corner of Plymouth and Stark Roads in the Northeast 1/4 of Section 33, which property is zoned C-2, the Planning Commission does hereby recommend to the City

Council that Petition 2014-10-02-14 be approved subject to the following conditions:

1. That this facility shall comply with all of the special waiver use standards and requirements pertaining to massage establishments as set forth in Section 11.03(u) of the Zoning Ordinance #543;

2. That this facility shall conform to the provisions set forth in Chapter 5.49 of the Livonia Code of Ordinances pertaining to massage establishments;

3. That the Petitioner shall not engage in any form of solicitation for business within the public rights-of-way of Plymouth or Stark Roads; and

4. That the Law Department determine what, if any, certification may be required pursuant to City code in order to perform reflexology services.

Subject to the preceding conditions, this petition is approved for the following reasons:

1. That the proposed use complies with all of the general waiver use standards and requirements as set forth in Section 19.06 of the Zoning Ordinance #543;

2. That the subject site has the capacity to accommodate the proposed use; and

3. That the proposed use is compatible to and in harmony with the surrounding uses in the area.

FURTHER, the Planning Commission recommends the approval of a Conditional Agreement limiting this waiver use to this user only, with the provision to extend this waiver use approval to a new user only upon approval of the new user by the City Council.

FURTHER RESOLVED, that notice of the above hearing was given in accordance with the provisions of Section 19.05 of Zoning Ordinance #543, as amended.

Mr. Morrow: Is there any discussion?

Ms. McIntyre: So we would add a fourth condition that our approval is predicated on resolution of this certification language and the waiver use condition or regulation?

Mr. Taormina: That actually is within the definition.

Ms. McIntyre: Okay. Within the definition. The Conditional Agreement would mean that you can't transfer this business to someone else without approval by City Council.

Mr. Davis: Okay.

Mr. Taylor: Just before we vote, the last paragraph we have: *"All massage establishments must conform to the provisions set forth in Chapter 5.49 of the Code of Ordinances, establishing the procedures and standards for licensing, as well as requirements for obtaining a massage therapist permit."* We're not doing any of that, are we?

Mr. Taormina: Chapter 5.49 really just indicates compliance under the state licensing requirements. That's all Chapter 5.49 is.

Mr. Taylor: What you're saying then is you're going to have the Law Department take a good look at it and see if we can establish what we're trying to do here other than a massage parlor?

Mr. Taormina: It's to see whether or not anybody performing reflexology is required to be certified. Any massage therapy that is conducted at this place of business will still require a licensed massage therapist. That part does not change.

Mr. Taylor: Okay. Thank you.

Mr. Morrow: Mark, I think we just want to make sure the Law Department concurs with the fact that they don't have to have any type of state requirement or city requirement to do this.

Mr. Taormina: Correct.

Mr. Morrow: It might be something we might want to look at and incorporate into the ordinance at some later date, specifically for reflexology, but we won't tackle that tonight obviously. Any other discussion? Roll call please.

Mr. Morrow, Chairman, declared the motion is carried and the foregoing resolution adopted. It will go on to City Council with an

approving resolution. Mark, there was some talk about a seven day waiver. Will there be enough time for the Legal Department to take a look at it?

Mr. Taormina: I think there will be because this will only take it to the study session of December 1, then it has another couple of weeks before it appears for a vote at the Regular Meeting. I think there's adequate time to answer that question.

Mr. Morrow: Between the study and the approval.

Mr. Taormina: Yes.

Mr. Wilshaw: I'm going to offer the seven day waiver.

On a motion by Wilshaw, seconded by Smiley, and unanimously adopted, it was

#11-63-2014 **RESOLVED,** that the City Planning Commission does hereby determine to waive the provisions of Section 10 of Article VI of the Planning Commission Rules of Procedure, regarding the effective date of a resolution after the seven-day period from the date of adoption by the Planning Commission, in connection with Petition 2014-10-02-14 submitted by Elite Foot Spa, L.L.C. requesting waiver use approval pursuant to Section 11.03(u) of the City of Livonia Zoning Ordinance #543, as amended, to operate a massage establishment (Elite Foot Spa) at 34389 Plymouth Road within the Stark Plaza shopping center, located on the southeast corner of Plymouth and Stark Roads in the Northeast 1/4 of Section 33.

Mr. Morrow, Chairman, declared the motion is carried and the foregoing resolution adopted. It will go on to City Council with an approving resolution.

Mr. Davis: I know there was some talk yesterday when we came to the meeting because there was some confusion on whether we had to be. They sent me a letter saying I had to be at the City Council meeting, but then they said no, that's not true until after we see you guys.

Mr. Morrow: In other words, you have permission now. You can go directly and say we waived the seven days.

Mr. Davis: I'm not sure who sets the date for that.

Mr. Taormina: Mr. Chairman, he will be notified of the City Council meeting. It should be on December 1, but you will be made aware of that. You can call me tomorrow. We'll take care of that.

Mr. Davis: Okay. Thank you.

Mr. Morrow: Good luck.

Mr. Davis: Thank you so much. I appreciate all your time and hopefully we can get this done, and again, I still invite you guys to come.

Mr. Morrow: You kind of threw us a little curve with not being a massage parlor.

Mr. Davis: My research, I could actually open the business without coming here at all, but because I want to do – help the chiropractors and do some other things, I didn't want to come back to you and say, hey, I opened this business and now I want to come back and do more, you know, open as a massage.

Mr. Morrow: If you open it as a massage, you heard the regulations that you'd be subject to.

Mr. Davis: I fully understand the regulations.

Mr. Morrow: Thank you. Good luck.

CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD FEBRUARY 8, 2021

Meeting was called to order via Zoom remote technology at 8:00 p.m. by President Kathleen McIntyre. Present: Jim Jolly (Livonia, Michigan); Laura Toy (Livonia, Michigan); Scott Bahr (Livonia, Michigan); Cathy White (Livonia, Michigan); Brandon McCullough (Livonia, Michigan); Rob Donovic (Deployed); and President Kathleen McIntyre (Livonia, Michigan). Absent: None.

6) REQUEST FOR APPROVAL OF COMMITMENT AND RESOLUTION FOR THE CITY OF LIVONIA TO JOIN AARP'S AGE-FRIENDLY COMMUNTIES NETWORK: Housing Commission, re: as part of Livonia's Five-Year Consolidated Plan to promote successful aging and improve the quality of life for all residents.

Brandie Isaacson, Director of Housing, presented this request to Council. She stated I am here to request approval with Livonia to commit to include doing the AARP'S Age-Friendly Communities, along with as the Community Development Office begins its work on its five-year consolidated. The goal of this is to promote successful aging in place and to improve the qualify of life for all the residents. AARP has identified Eight Domains of Livability. Those eight domains include housing, transportation, parks, recreation, interaction, social participation and inclusion. And as we begin our process we've already recognized to move to promote livability. One of those items is under Community Development, we've been creating our park paths to be more age friendlier, ADA compliant. So this is some of the items that we're kind of looking at as we're going over and thinking five years out into the future. The areas are expanding our housing. So we've obviously prepared our letter to submit, we're currently working on our application.

Councilmember Jolly offered an approving resolution for the Consent Agenda.

Councilmember Toy stated she knows Brandie is in charge of Housing, but as you do this plan, am I under the assumption that some of that plan may include or be talked about some of our in-home seniors as well.

President McIntyre asked that this item be placed on the Regular Agenda as there are some technical issues hearing from Ms. Isaacson tonight. But there cannot be a downside to Livonia engaging and working with AARP but I would just like to understand before the next meeting a little bit more about our five-year consolidated plan and we've had some issues come up about some things like the Silver Sneakers Membership at the Kirksey Recreation Center and a few other things. But I'd just like to look at everything we're doing and so I'd like to ask that this be placed on the Regular and not the Consent.

Vice President Bahr apologized, saying he does not have his raise hand button tonight, but I'm just going to say, although Brandie just came back, maybe we can try again, I did have a couple questions for her.

Bahr thanked Brandie for being with them tonight and I want to make a statement based on what I read but I just want to confirm. There's no cost to the City for getting this declaration and Isaacson replied no cost. Bahr asked if there are any obligations through the City as part of this and Isaacson responded our obligation is to make sure that we do include citizen participation when we're working on plan development. Bahr said I'm not necessarily against it but I'm just trying to understand what the benefit to the City is in getting this designation; how does this change what we do anyway?

Isaacson replied it really doesn't, we're already hitting the key points. What it is is really putting it out there that we are doing this. Some of the other communities, Novi, has committed as well as Southfield and Lansing. It was about a year ago we were working on some social isolation projects and discovered that this is basically a goal that we could work towards but in really looking at the Eight Domains of Livability we recognized that we actually are already doing them. So, as part of doing the five-year Consolidated Plan with Community Development, we thought that we would tie it in and make sure that when we are doing our citizen participation that we are getting the whole community, not just working on parks or working with families, that we are identifying the needs of seniors and making sure that they are included.

Bahr said I appreciate you saying that and you hit the nail on the head with what my question was. It was just that as I read through the packet, so much was being said in there I thought not only does Livonia do this, I feel like Livonia does quite a bit of this exceptionally well. And so I was just trying to understand why we were pursuing this but I see what you're saying now, it's almost like a certification type thing just to get the recognition for it.

Councilmember Toy asked if she could go back to her question that she had when we were having technical difficulties and President McIntyre told her to go ahead.

Toy asked Isaacson if this will apply as well to residents that we have at home, seniors at home, they'll be considered as well, right, and Isaacson replied absolutely.
Toy said there's so much that goes on anymore, I know you guys do a wonderful job with the housing and such, but I'm really concerned about a lot of folks, even in my neighborhood that either live alone and are getting older, need ramps, need help, you know what I'm saying, just interesting stuff going on as we age.

President McIntyre said I hate to stifle conversation, but I think that the extent of the technical difficulties we're having, that Brandie, if you don't mind, maybe coming to the Regular Meeting and addressing Councilmember Toy's comments. I appreciate your willingness to do it tonight but the static is making it very difficult to hear.

DIRECTION: APPROVING REGULAR

REPORT TO THE LIVONIA CITY COUNCIL

Housing
February 9, 2021

MEETING DATE	PREPARED BY
February 22, 2021	Brandie Isaacson, Director of Housing,

AGENDA ITEM

REQUEST FOR APPROVAL OF COMMITMENT AND RESOLUTION FOR THE CITY OF LIVONIA TO JOIN AARP'S AGE-FRIENDLY COMMUNTIES NETWORK: Housing Commission, re: as part of Livonia's Five-Year Consolidated Plan to promote successful aging and improve the quality of life for all residents.

BACKGROUND

As the City of Livonia - Housing Commission's Office of Community Development considers its Five-Year Consolidated Plan, we want to promote successful aging and improve the quality of life for all residents. There is great value in utilizing the AARP's Eight Domains of Livability in establishing a more age-friendly city: making outdoor spaces and building more senior friendly, increasing the accessibility and affordability of transportation and housing, increasing access and opportunities for social participation and inclusion through programs that promote ethnic and cultural diversity, supporting work and volunteer opportunities, access to communication and information, and supporting the ability of older people to age in place through community support and health services.

As a participant in the AARP and the World Health Organization (WHO) Age-Friendly Community it is the intent of the City of Livonia to:

- Pursue the active engagement of older adults in the planning process through outreach and inclusion by bringing events to where older people live and recreate.
- Pursue outreach through churches, civic organizations, AARP, providers of aging services and host events designed for older people.
- Establish a plan of action that responds to the needs identified by older people.
- Develop a means to measure our activities, reviewing action plan outcomes and plans to determine we are meeting our goals.
- Keep the public, especially older people, informed throughout the process.

On behalf of the City of Livonia, a letter of our ongoing commitment to creating an age-friendly environment and application to join AARP's Age-Friendly Communities Network will be submitted to AARP at the end of February 2021 to begin the process.

RECOMMENDATION

WHEREAS the global population of people ages 60 and over is expected to grow from 600 million in 2000 to almost 2 billion by 2050; AND

WHEREAS, in the United States, the population of people aged 65 and over is expected to grow from 35 million in 2000 to 88.5 million by 2050, taking the total share of the population 65 and older from 12 percent to 20 percent of the total population; AND

WHEREAS 40 percent of the population of Livonia is over 50 and 17.7 percent is age 65 or older, and the number of older Livonia residents is expected to rise; AND

WHEREAS research shows that older Americans overwhelmingly want to remain in their homes and communities as the age, AND

WHEREAS access to quality health care, long-term services and affordable housing is essential for older adults to remain in their homes and communities, AND

WHEREAS 11 percent of adults 65 and older do not drive, and more than half of these non-drivers do not leave home on a given day, in part because they lack transportation options; AND

WHEREAS, the World Health Organization (WHO) has developed a Global Network of Age-Friendly Cities and Communities to encourage and promote public policies to increase the number of cities and communities that support healthy aging and thereby improve the health, well-being, satisfaction, and quality of life for older Americans; AND

WHEREAS, active aging is a life-long process, whereby an age-friendly community is not just "elderly friendly" but also intended to be friendly for all ages; AND

WHEREAS, the WHO has noted that "making cities and communities age-friendly is one of the most effective policy approaches for responding to demographic aging,"; AND

WHEREAS, the WHO has developed eight domains of community life that influence the livability and quality of life of persons of all ages:

1. Outdoor spaces and buildings – accessibility to and availability of clean, safe community centers, parks, and other recreational facilities;
2. Transportation – safe and affordable modes of private and public transportation and "Complete Streets" types of initiatives;
3. Housing – wide range of housing options for older residents, aging in place and other home modification programs, housing that is accessible to transportation and community and health services;
4. Social participation – Access to leisure and cultural activities; opportunities for older residents to participate in social and civic engagement with their peers and younger people;
5. Respect and social inclusion – Programs to support and promote ethnic and cultural diversity, programs to encourage multigenerational interaction and dialogue, programs to combat loneliness and isolation among older residents;
6. Civic participation and employment – Promotion of paid work and volunteer opportunities for older residents, as well as opportunities for older residents to engage in formulation of policies relevant to their lives;

7. Communication and information – Promotion of access to the use of technology to keep older residents connected to their community and friends and family, both near and far, AND;
8. Community support and health services – Access to homecare services, clinics, and programs to promote active aging (physical exercise and healthy habits), AND

WHEREAS the WHO recognizes that cities and communities have different needs, resources, and varying capabilities to engage their resources to take action to facilitate active aging; AND

WHEREAS Livonia Vision 21, our community-inspired and resident-driven master plan, was adopted in 2019 and supports age-friendly policies in outdoor spaces and recreation, housing, transportation, and community, and supports health services and livability objectives for the City's future; NOW, THEREFORE BE IT

RESOLVED, that the City of Livonia hereby supports initiatives and opportunities to engage in the AARP/WHO Age-Friendly Cities and Communities Network, AND BE IT

RESOLVED, further, in recognition of existing efforts to promote and expand age-friendly policies and programs in the City of Livonia, the City Council hereby supports the Age-Friendly Cities initiative.

FISCAL CONSIDERATION

No Financial Obligation

ATTACHMENTS

1. Letter - AARP's Age-Friendly Communitites Network
2. Age-Friendly Designation Resolution 2021
3. The Case for Age-Friendly Communities
4. AARP Network of Age Friendly States and Communities Brochure
5. AARP Age Friendly Program Cycle

APPROVED BY

Brandie Isaacson, Director of Housing

Date: January 27, 2021

Michael Slater, Finance Director

Date: January 27, 2021

Paul Bernier, City Attorney

Date: January 27, 2021

Maureen Miller Brosnan, Mayor

Date: January 28, 2021

LIVONIA HOUSING COMMISSION

BRANDIE ISAACSON
DIRECTOR

MEMBERS
ELEANOR MALONE
DALE MOSER
CARL DEAL
BRIAN SCOTT
KREUZA GJEZI

MAUREEN MILLER BROSNAN
MAYOR

COMMUNITY DEVELOPMENT
10800 FARMINGTON RD.
LIVONIA, MICHIGAN 48150
(734) 421-6450
(734) 261-0375 FAX

February 5, 2021

Ms. Paula D. Cunningham
AARP Michigan State Director
309 N. Washington Square, Ste. 110
Lansing, MI. 48933

Dear Ms. Cunningham:

On behalf of the City of Livonia, I am pleased to share Livonia's ongoing commitment to creating an age-friendly environment. Given that commitment, we are excited to join AARP's Age-Friendly Communities network. Livonia is dedicated to continuing to encourage a livable community to promote health and sustainable growth and contribute to the wellbeing of citizens in all stages of life. These are among the priorities identified in Livonia Vision 21, our community-inspired, resident-driven master plan.

As the City of Livonia considers its HUD Five-Year Consolidated Plan, we strive to promote successful aging and improve the quality of life for all residents. There is great value in utilizing the AARP's Eight Domains of Livability for establishing a more age-friendly city: making outdoor spaces and buildings more senior friendly; increasing the accessibility and affordability of transportation and housing; increasing access and opportunities for social participation and inclusion through programs that promote ethnic and cultural diversity; supporting work and volunteer opportunities; access to communication and information; and supporting the ability of older people to age in place through community support and health services.

As a participant in the AARP and the World Health Organization (WHO) Age-Friendly Community initiatives, it is the intent of the City of Livonia to:

- Pursue the active engagement of older adults in the planning process through outreach and inclusion, by bringing events to places where older people live and enjoy leisure activities.
- Pursue outreach through churches, civic organizations, AARP, providers of aging services and host events designed for older people.
- Establish a plan of action that responds to the needs identified by older people.
- Develop a means to measure our activities, reviewing action plan outcomes and plans to determine we are meeting our goals.

- Keep the public, especially older people, informed throughout the process.

We look forward to working with AARP Michigan staff, members, and volunteers to ensure our city is a place where we everyone can age with dignity.

Sincerely,

Maureen Miller Brosnan
Mayor

cc: Livonia City Council

PROPOSED RESOLUTION

WHEREAS the global population of people ages 60 and over is expected to grow from 600 million in 2000 to almost 2 billion by 2050; AND

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4. **Social participation** – Access to leisure and cultural activities; opportunities for older residents to participate in social and civic engagement with their peers and younger people;

5. **Respect and social inclusion** – Programs to support and promote ethnic and cultural diversity, programs to encourage multigenerational interaction and dialogue, programs to combat loneliness and isolation among older residents;
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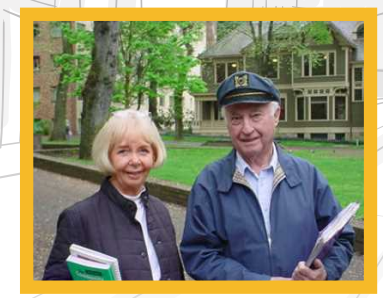
The Case for Age-Friendly Communities



Prepared for
Grantmakers In Aging

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February 2016

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Interstate Avenue/MAX Yellow Line, North Portland, Oregon.

Bottom center image:
Senior adult learners at Portland State University.

Bottom right image:
Age-Friendly Lloyd Center business review, Elders in Action.

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Executive Summary

The movement toward age-friendly communities is growing, with the key impetus being population aging. In the U.S. in 1900, 4.1 percent of the population was 65 or older. In 2015, this figure was 14.5 percent. By 2020, it is expected to increase to 16.1 percent, and by 2050, to 20 percent—one in five Americans. Medical, public health, and technological advancements have led to increased longevity, with the years added extending middle age—the period when people are most productive and creative—rather than lengthening extreme old age. Beyond what individuals themselves can do to age optimally, the movement to create communities that are age friendly focuses on how the economic, physical, and social environments can be improved to address not only the needs but also maximize the assets of an aging population, for the benefit of all.

An age-friendly community is one that is a great place to grow up and grow old. It has safe and accessible public transportation options; affordable, accessible, and safe housing; pleasant and safe parks and outdoor spaces; quality community and health services; sufficient employment and volunteer opportunities; and engaging social activities and events for people of all ages. The needs and preferences of older adults are taken into account. Older adults are respected, and their knowledge, skills, resources, and contributions are sought out. They are integrated into the fabric of the community.

The reasons why creating an age-friendly community makes good sense, economically and socially, are presented in this document, supported by research conducted by academicians, government agencies, nonprofit organizations, and corporations. The reasons are based largely on two key premises:

- Unlike most natural resources, older adults are a growing resource. Thus, population aging presents a set of opportunities, if handled well.
- An "age-friendly" community can benefit people of all ages and abilities.

Business leaders and private sector investors, government officials and staff, philanthropists, educators, civic groups, advocacy organizations, service organizations and providers, and residents themselves can use the information presented to take advantage of the resource that older adults represent and shape places that work not only for residents who are older now but also for residents across the life course.

Reasons for creating an age-friendly community can be categorized in six broad areas: economic benefits, social capital benefits, opportunities related to innovations in housing and physical infrastructure, and health and other benefits.

Economic Benefits

- Older adults are an important part of the workforce and expand the labor pool from which employers can hire.
- Attracting and retaining older workers will help address labor shortages of qualified workers.

- Older workers can enhance organizational productivity and business outcomes.
- Older workers have significant accumulated knowledge and skills and help to retain institutional memory.
- Having an age-diverse workforce can result in positive outcomes for employers and employees.
- Attracting or retaining older adults who might otherwise leave a community can be an important economic development strategy.
- Older adults start more new businesses than younger adults, helping to grow the local economy.
- Continued work later in life brings economic benefits to the community and financial, health, and other benefits to older adults themselves.
- Older adults have enormous economic clout as consumers.
- The older adult market is stimulating new companies, new products and services, and new technologies.
- The older adult market is also bolstering the larger U.S. economy through U.S. social insurance benefits.
- Older adults bring tourism dollars.

Social Capital Benefits

- Older adults provide care and resources across generations.
- Older adults serve the community through volunteering and civic engagement.
- Volunteers themselves receive health benefits from volunteering.
- Age-friendly communities reduce barriers to volunteering.
- Older adults make philanthropic investments and charitable contributions.

Opportunities Related to Housing

- The aging of the population presents the opportunity and an imperative to make changes in the housing sector to enable older adults to age in place, maintaining their social, business, and service connections.
- Affordable housing can have positive economic and fiscal impacts for the public and private sectors.
- The growing older adult population will increase demand for alternative housing arrangements.
- Age-friendly communities offer a continuum of housing options and supportive services for the independent through the dependent, allowing for aging in one's present home or community, reducing the need for moves, and preventing or postponing costly public and private expenditures for long-term institutional care.

Opportunities Related to Physical Infrastructure

- Age-friendly communities have physical environments that work for everyone.
- Age-friendly communities have a range of transportation options, facilitating mobility.
- Age-friendly communities have healthy and connected neighborhoods that save residents time and money and improve quality of life.
- Investing in age-friendly housing and environments can lead to public as well as private cost savings.
- Housing location preferences appear to be changing to include consideration of transportation and mobility options.
- The challenges associated with creating age-friendly physical environments bring opportunities for cross-sector coordination and collaboration.

Health Benefits

- Age-friendly communities result in lower public and personal costs related to illness and health care.
- Many chronic diseases can be prevented or controlled through attention to the physical environment.
- Designing age-friendly environments specifically to encourage physical activity can improve health and lower health care expenditures.
- Age-friendly communities facilitate healthy behaviors of older adults through their design and infrastructure.
- Age-friendly communities address issues that also influence health, such as pollution, access to health care and social services, safety, and social support.
- Age-friendly environments reduce social isolation and improve health and community engagement.

Other Benefits

- Older adults make significant contributions to the social, political, and environmental fabric of society.

In summary, our population is aging and public resources are limited, yet older adults constitute a valuable human resource that has been overlooked. There is broad recognition that the economic, physical, and social environments in the community where we live, as well as our individual lifestyle choices, affect how well we age.

The economic, social, and personal benefits to be gained make clear the wisdom of taking action to create communities that are more age friendly. What we do now to make our communities good places to grow up and grow old will yield returns not only for today's elders but also tomorrow's—that is, for all of us.

The Case for Age-Friendly Communities

Setting the Stage

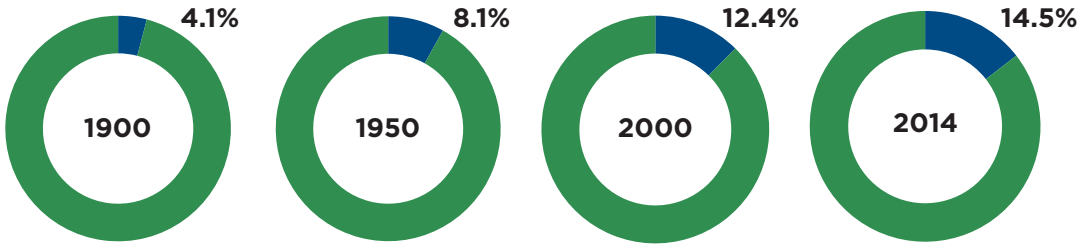
The movement toward age-friendly communities[1] —also known as aging-friendly, livable, or lifetime communities or communities for all ages—is growing nationally and internationally. The focus is on ways to help people age in their community of choice, but the approach goes beyond what individuals themselves can do to age optimally to include the economic, physical, and social environments of communities and how these can be improved to address not only the needs but also maximize the assets of an aging population, for the benefit of all.

Many thought leaders now believe that the communities that fare best in the 21st century will be those that both tackle the challenges and embrace the positive possibilities that an aging population creates.

— Grantmakers In Aging[2]

This document details various reasons why creating an age-friendly community makes good sense economically and socially. The reasons are supported by research conducted by academicians, government agencies, nonprofit organizations, and corporations. The sources for the information included are provided in the endnotes, which can be consulted for further details. Although informed primarily by U.S. data and trends, the document provides information that may be useful for communities elsewhere in the world, as well.

Percent of U.S. Population 65 and Older

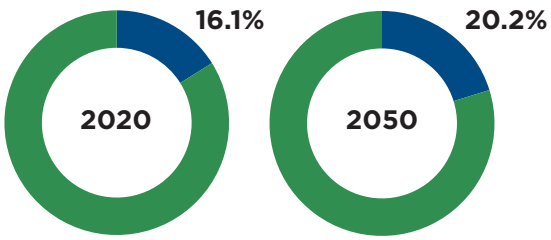


Our Populations are Aging

A key impetus for this movement is that throughout the United States (U.S.), and indeed the world, our populations are aging. As of July 1, 2014, 14.5 percent of the U.S. population was aged 65 and older, which represented 46,243,211 people.[3] The number and the proportion of people aged 65 and older are increasing, and this trend is not a passing phenomenon. In the U.S. in 1900, the 65-and-older population comprised 4.1 percent of the population (3,080,498). It grew to 8.1 percent of the U.S. population in 1950 (12,269,537) and 12.4 percent in 2000 (34,991,753).

Projections show increases to 16.1 percent of the U.S. population in 2020 (54,804,470) and to 20.2 percent by 2050 (88,546,973).[4] Many U.S. cities and towns (e.g., Cleveland, Miami, Buffalo) have already arrived at that future.[5]

Projected Growth of U.S. Population 65 and Older



Population aging represents a human success story. Longevity has improved since the mid-1800s due to advancements in medicine, sanitation, and public health.[6] There is also a powerful association between personal income and life expectancy,[7] as those with higher incomes tend to live longer lives than those with lower incomes.[8] Life expectancy at birth has been steadily on the rise in the U.S. for more than a century—it was 47.3 years in 1900, 68.2 years in 1950, 76.8 years in 2000, and 78.8 in 2012 and 2013.[9] The years that have been added to life expectancy have extended middle age—the period when people are most productive and creative—rather than lengthening extreme old age.[10]

Although older Americans as a whole face increased disability with advanced age, and society faces increased costs to meet their health care needs,[11] evidence indicates that Americans who reach age 70 can expect a longer disability-free period of life than previous generations.[12]

Older Adults are a Growing Resource

Unlike most natural resources, older adults are a growing resource. In addition to longer life expectancy, educational attainment for older Americans, particularly those in the younger age ranges, has continued to rise.[13] Households headed by those 65 and older have seen their median net worth increase (even when considering the "Great Recession"),[14] and approximately one quarter of Americans aged 44-70 are interested in starting their own business or nonprofit organization in the next five to 10 years.[15] In fact, rather than looking at population aging only in terms of an "age dependency ratio," an "age abundancy ratio" has been suggested, since Baby Boomers and older adults are armed with a lifetime of experience, are willing to engage to solve some of society's most pressing social problems, and will continue to contribute to the tax base.[16]

Older adults affect and are affected by the community in which they live in myriad ways. Most demographic projections showing the growth in number and proportion of older adults are accompanied by statements that focus on disability, dependence, and decline. Although the aging of our populations is often feared and referred to in negative terms, such as the "tsunami" of older adults, population aging actually presents a set of opportunities, if handled well. These opportunities to maximize the benefits of an aging population, and the reasons for doing so, are detailed here. In brief, older people have knowledge and skills—assets that we are not currently using to full advantage. In this time of scarce public resources, we cannot afford such waste.

An "Age-Friendly" Community Can Benefit People of All Ages

An age-friendly community is one that is "a great place to grow up and grow old."[17] It is one in which the needs and preferences of older adults are taken into account. Older adults are respected; their knowledge, skills, resources, and contributions are sought out; and older adults are integrated into the fabric of the community. An age-friendly community has the following:

- Safe and accessible public transportation options;
- Affordable, accessible, and safe housing;
- Pleasant and safe parks and outdoor spaces;
- Quality community and health services;
- Sufficient employment and volunteer opportunities; and
- Engaging social activities and events for people of all ages.

One immutable truth is that we all get old. A second truth is that we have an ageing population… With these simple facts in mind, it makes sense that we should be designing a city that we will be able to use and enjoy from cradle to grave. In other words, an age-friendly city—one that provides an urban environment that enables all residents to optimize their quality of life.

— Margaret Devlin, Auckland, New Zealand, Council, and Judy Blakey, Seniors Advisory Panel[18]

Who Should Care and Why?

Many people need information to support the investment of their time, energy, and funding to create age-friendly communities—elected officials, political appointees, and other government staff at the local, regional, state and federal levels; business leaders and private sector investors; philanthropists; educators; civic groups; advocacy organizations; service organizations and providers; and residents themselves.

By focusing on improving their physical, social, economic, and service environments, communities can take advantage of the resource that older adults represent and shape places that work not only for residents who are older now but also for residents across the life course. Changes that benefit older adults generally offer benefits to younger people, as well.

The Value Proposition of an Age-Friendly Community

So what is the business, or economic, case for creating an age-friendly community? What is the return on investment (ROI) or the value proposition, the rationale, for creating one? The following sections build this case by detailing reasons in six broad areas, including economic benefits, social capital benefits, opportunities related to innovations in housing, physical infrastructure, health, and other benefits.

Economic Benefits

A number of economic benefits accrue to businesses and communities that recognize and support older adults as workers, entrepreneurs, and customers.

Older adults are an important part of the workforce and expand the labor pool from which employers can hire. An age-friendly community, through policy choices, changes in taxation, workplace supports, and the like, facilitates continued work later in life for those who need or wish to work, benefiting not only those individuals but also employers and the community as a whole.

Older Americans are not following the traditional retirement path from career employment to complete labor force withdrawal. Retirement today is much more of a process than an event, with phased retirement,[20] bridge employment involving a change in employer, and re-entry, or "un-retirement."[21,22] By and large, older Americans are staying in the workforce longer, due to financial need and/or lifestyle preferences. Although some view this as creating a challenge for younger workers, older workers provide major human capital to organizations because of their accumulated knowledge and skills.

Also, as a TIME Magazine article on the future of work noted, the presence of older workers "could be a positive," since "when more people work, more people spend freely, and that creates jobs."[23] For example, when women entered the workforce in the 1960s and 1970s, permanently higher unemployment did not result, as feared. Instead, there were positive offsets, including greater demand for child-care workers and for prepared foods. Unemployment rates dropped, and because traditional jobs were filled, entrepreneurship grew.[24]

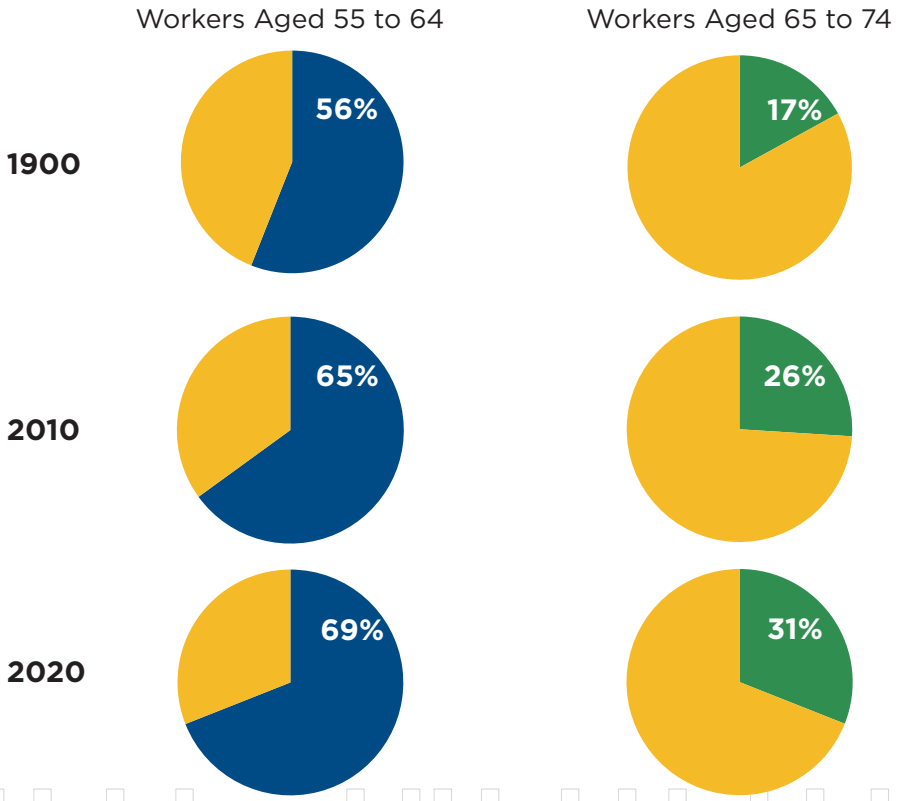
The main goal of economic development is improving the economic well-being of a community through efforts that entail job creation, job retention, tax base enhancements and quality of life…Communities differ in their geographic and political strengths and weaknesses [and each] will have a unique set of challenges for economic development.

— The International Economic Development Council[19]

Older workers represent a larger share of the potential workforce than do younger workers. Older workers' numbers are growing due to population aging, and because their labor force participation has increased.[25] Labor force participation for the population as a whole has been decreasing, from 67 percent in 2000 to 64.7 percent in 2010, and is projected at 62.5 percent in 2020.[26]

In 1990, the participation rate of workers aged 55 to 64 was 56 percent, and that of workers aged 65 to 74 was about 17 percent; by 2010, these rates were 65 percent and 26 percent. In 2020, they are expected to be about 69 percent and 31 percent, respectively.[27] Older workers are the only labor force group that has been growing in size, with the 55+ group accounting for 13.1 percent of the labor force in 2000, 19.5 percent in 2010, and expected to increase to 25.2 percent in 2020.[28, 29]

Labor Force Participation Rates



In 2000, the labor force participation rate of the entire 55+ age group was 32.4 percent; by 2010, it had risen to 40.2 percent, and by 2020, it is expected to reach 43.0 percent.[30] The 2013 Merrill Lynch Retirement Study found that 71 percent of the pre-retiree respondents in its general population online survey wished to work at least part time in their retirement years, with 48 percent stating their top reason as stimulation and satisfaction and 52 percent reporting financial security; 51 percent reported wishing to seek a different line of work.[31]

Many older Americans also change occupations later in life, known as "re-careering."[32] With the traditional career/retirement paradigm eroding, more than 9 million people between 44 and 70 have already started "encore" careers (careers in the second half of life using older adults' passions, skills, and work experience to improve communities and the world[33]), and many millions more are looking for new opportunities as they reach retirement age.[34] Thus, older adults are expanding the labor pool from which employers can hire.[35]

A study of older adults who transitioned to bridge employment found that approximately four out of 10 men and women changed occupations, and eight out of 10 had either a change in occupation or a switch from full-time to part-time status.[36] These findings reflect the flexibility of both the labor market and workers themselves and suggest that a sizable fraction of older workers "re-career" as a way to explore a new line of work later in life. Indeed, approximately one-third of white-collar, highly skilled men and women took on bridge employment in lower-skilled occupations or in blue-collar occupations. Transitions also took place from blue-collar to white-collar jobs, although such transitions were less prevalent—fewer than one in five career blue-collar workers transitioned to white-collar bridge jobs.

Workforce shortages are increasingly a concern for employers. A Georgetown University Center on Education and the Workforce study found that by 2020 the U.S. economy will experience a shortage of 5 million workers with the necessary education and training.[37] A 2014 survey by the Society for Human Resource Management found that one-third of over 1,900 randomly selected human resource professionals predicted that retirements or departures of workers aged 55+ would be a "problem" or a "crisis" for their organization in the coming six to 10 years, and 39 percent said there would be a problem or crisis in the next 11 to 20 years. Another third or more felt this would be a potential problem.[38]

The top 10 most difficult jobs for employers to fill in 2015 in the ManpowerGroup's Talent Shortage Survey included, in order, skilled trade workers, drivers, teachers, sales representatives, administrative professionals, management/executives, nurses, technicians, accounting and finance staff, and engineers.[39] The current generation of older workers is relatively well educated compared with previous generations, due to past investments in schooling, but also compared with "prime-age Americans" (i.e., those aged 25 to 59) due to reduced educational investments in the recent past.[40] Attracting and retaining older workers will help address labor shortages of qualified workers.[41]

Older workers can enhance organizational productivity and business outcomes.[42] The more than 1,900 human resource (HR) professionals who participated in the Society for Human Resource Management's survey cited many advantages of older workers. More than half cited work experience (77 percent of respondents), greater maturity/professionalism (71 percent), stronger work ethic (70 percent), ability to serve as mentors for younger workers (63 percent), greater reliability (59 percent), more loyalty (52 percent), lower turnover (52 percent), tacit knowledge (knowledge not easily recorded or disseminated), and more commitment/engagement (51 percent).[43]

The three strongest basic skills held by older workers were writing in English: grammar, spelling, etc. (cited by 45 percent of the HR professionals), reading comprehension in English (20 percent), and spoken English language (20 percent). The strongest applied skills held by older workers were professionalism/work ethic (mentioned by 58 percent of the HR professionals in the study), critical thinking/problem solving (28 percent), lifelong learning/self-direction (23 percent), leadership (21 percent) and ethnics/social responsibility (19 percent). The vast majority of HR professionals indicated that employees in their organization are receptive to working with older workers (92 percent), learning from older workers (91 percent) and being mentored by older workers (86 percent) either "some" or to a "great" extent.

A common belief is that workforce productivity declines with age, but research has revealed this perception to be false.[44,45] One example is a study funded by the Social Security Administration, which found that older adults who remain in the workforce longer tend to be those with higher levels of education, and productivity is linked to education. The study concluded that there is little evidence that the aging workforce has hurt productivity, particularly with respect to wage statistics.[46]

A 2015 Aon Hewitt report for AARP makes this point more strongly, finding that "the business case for workers age 50+ has strengthened and confirms that recruiting and retaining this cohort is a critical component of a high performance business."[47] Of particular note is the finding that engagement levels (i.e., workers "speak positively" about the organization, "desire to be part of the organization," and "exert extra effort and engage in behaviors that contribute to business success") are highest in the oldest age segments. Employee engagement affects productivity: A 2014 Aon Hewitt study found that employers with the highest employee engagement had better sales growth (by 6 percent), operating margins (by 4 percent), and total shareholder return (by 6 percent).[48]

Another common perception is that workers aged 50+ cost significantly more than younger workers. However, the Aon Hewitt study for AARP found that the incremental labor force costs associated with hiring or retaining more workers aged 50+ were not significant due to reductions in reward and benefit programs.[49]

Older workers have significant accumulated knowledge and skills and help to retain institutional memory. Older workers can serve as mentors for younger employees and pass along knowledge and skills. Knowledge legacies, or institutional memory, can help employers preserve organizational effectiveness through business continuity and business processes.[50,51,52]

It's in organizations' best interests to hire older workers. Aside from the wealth of skills and experience they provide, we are living in an ageing population globally… "This demographic change is inescapable and combined with reduced birth rates, the result is severe skills shortages."

— Karen Higginbottom, Forbes.com contributor, quoting Yvonne Sonsino, Europe Innovation Leader, Mercer[61]

Having an age-diverse workforce can result in positive outcomes for employers and employees. Research has shown increased performance and decreased turnover for workers of all ages when workforces are composed of people of different generations.[53] Findings also show increased positive intergenerational contact[54,55] and decreased likelihood of age discrimination when human resource policies support older workers and when there is organizational leadership from the top down.[56] Research suggests that these outcomes can be facilitated through the following:

- Flexible workplace practices that address the motivational needs of older and younger workers[57] and that allow workers to craft their job characteristics to fit their changing needs, [58,59] and
- Training opportunities for workers of all ages, with additional time for training, if needed, for older workers.[60]

Attracting or retaining older adults in a community who might otherwise leave can be an important economic development strategy. For self-preservation, communities need to retain and attract older adults. One mayor, Matthew Hayek of Iowa City, stated that he expects that the age-friendly communities trend will continue, since "most cities don't want to lose population."[62]

An analysis of the economic impact of an aging population conducted by the Mid-America Regional Council (the Kansas City metropolitan region) using the Policy Insight model from Regional Economic Models, Inc. (REMI)[63] found that retaining an additional 600 older adults (age 65+) for 10 years in the region would result in nearly 7,000 more people and 2,600 more jobs, not only in the health care and retail sectors, but also in the construction industry, as older adults spend about as much on housing as younger adults.

The increase in the older adult population would raise the income available to be spent in the region, due to the retirement income of this group being spent on goods and services in the local economy. The REMI model showed that the increase in people and jobs in the region would increase annual incomes by nearly $.5 billion and the value of goods and services produced locally by nearly $.25 billion dollars.

A similar REMI analysis conducted in the 20-county metropolitan Atlanta region found that an annual increase of 1,000 people aged 65+ from 2015-2040 would result in the following:

- Potential impacts of an increase of $40 billion in personal income,
- An increase of $7.8 billion in gross domestic product,
- Almost 100,000 more job-years for the economy from 2015 to 2040, and
- A population increase of 16,000 by 2040 (with population loss in some other age groups).[64]

The findings from this analysis were then compared to those using a scenario assuming an annual increase of 1,000 working-age (18-64) migrants. The potential impacts in that scenario were less positive: an increase of just $4 billion in personal income from 2015 to 2040, an increase of $2.6 billion in gross domestic product, an increase of 29,400 more job-years, and a population increase of 8,000 by 2040. These analyses demonstrate the potential economic benefits of policies aimed at increasing the attractiveness of a region to older adults.

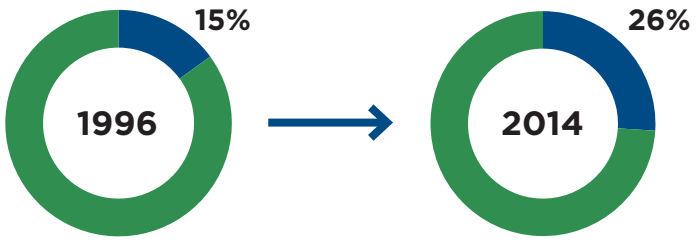
With respect to retaining older adults, one must consider "push" (e.g., loss of income, death of family member, changes in health, neighborhood changes) and "pull" factors (e.g., retirement, neighborhood amenities, new housing options).[65] Several factors influence the decision to either migrate or age in place, including these: the cost of maintaining a home, zoning requirements that affect the ability to remodel or build alterative/accessible structures (e.g., accessory dwelling units), and the extent of accessibility features in one's home.[66] Proactive policy approaches can encourage aging in place, or entice a move to another location, by supporting favorable zoning codes, improving access to health and social support services, offering better transportation options, providing programs that improve memory and brain health, and enhancing the ability of older adults to increase their financial resources.[67]

Older adults start more new businesses than younger adults, helping to grow the local economy. A growing number of older adults are self-employed entrepreneurs, contributing to economic growth and diversification in the community. A host of recent articles have highlighted the growth of entrepreneurship among people 50 and over and the fact that individuals in this age group are one of the fastest-growing groups of business owners. A Gallup study found that this group is twice as likely as millennials to plan to start a business and that more than 80 percent begin ventures to boost income or as a lifestyle choice.

Research from the Kauffman Foundation found that people aged 55-64 had a roughly one-third higher rate of entrepreneurial activity than those aged 20-34 in each year from 1996 to 2007,[68] and this trend has continued. People aged 55 to 64 are changing the age composition of entrepreneurs, comprising 23 percent of all business owners in 2008 and growing to 28 percent in 2014.

Other age groups' share of business owners dropped. In 2014, people aged 20 to 34 comprised 16 percent of business owners (compared to 17 percent in 2008), those aged 35 to 44 comprised 24 percent (compared to 26 percent in 2008), and those aged 45 to 54 comprised 32 percent (compared to about 34 percent in 2008).[69] Similarly, people aged 55 to 64 are a much larger share now of all new entrepreneurs, rising from just under 15 percent in 1996 to 26 percent in 2014.[70]

Entrepreneurs Aged 55-64 as a Percentage of all Entrepreneurs



This age group also had the largest share of people becoming entrepreneurs in a given month in 2014 (.37 percent, compared to .36 percent for those aged 45 to 54, .33 percent for those aged 35 to 44, and .22 percent for those aged 20 to 34).[71] Older adults becoming self-employed entrepreneurs are growing the economy.

Between 1992 and 2012, among a sample of career workers aged 51 to 61 in 1992, the percentage who were self-employed more than doubled, from 20 percent among men and 10 percent among women to more than 40 percent among men and 20 percent among women.[72] The reason for the increase is two-fold. First, individuals who are self-employed tend to remain in the labor force later in life. Second, more older career workers switch from wage-and-salary career employment to self-employed bridge employment than vice versa.[73,74]

One way in which some older entrepreneurs are contributing is by becoming consultants, using their lifetime of experiences and skills to help clients navigate the world of information and turn data into knowledge to make smart choices.[75]

Continued work later in life brings economic benefits to the community and financial, health, and other benefits to older adults themselves. More individuals working additional years means that more individuals contribute economically and produce goods and services to be consumed.[76,77,78] Also, staying in the workforce can increase older adults' financial security.[79] Each additional year of work affords one more year to accumulate assets and one less year to be financed with personal savings or public resources.[80,81]

Work has also been associated with better health for older adults. For example, older adult workers were found to be less likely to report health problems even after previous health concerns were taken into account.[82] In a review of the literature, researchers found that bridge employment is associated with positive health outcomes, controlling for pre-retirement health status.[82] Improved health can lead to reduced public and private expenditures on medical care and social services.[83]

Communities that provide support for older workers and entrepreneurs will see increased economic growth and diversification. The challenge is to find ways to tap into this labor resource by fostering an environment that matches the preferences of older adults.

Older adults have enormous economic clout as consumers.[84] A 2013 report by Oxford Economics for AARP described the sum of all economic activity serving the needs of Americans over 50 (both the products and services they purchase directly and the economic activity this spending generates) as "the Longevity Economy."[85]

In 2012, this economic activity was estimated at $7.1 trillion (46 percent of the U.S. GDP and larger than any other country's economy except the U.S. and China) and as accounting for nearly 100 million jobs (two-thirds of employment). By 2032, the Longevity Economy is projected to reach over $13.5 trillion (52 percent of the U.S. GDP) in real terms.[86]

Growth of the Longevity Economy
(Contribution of Older Adults to U.S. GDP)

As a group, the over-50 population in the U.S. controls almost 80 percent of the net worth in the U.S., with an average household wealth of about $765,000, compared with $225,000 for households headed by individuals aged 25-50.[87] In addition, it is projected that Boomers will inherit $15 trillion in the next 20 years.[88]

With respect to consumer spending, excluding health care, in 2012 people over age 50 spent $3.0 trillion, which was about 51 percent of all spending by people over age 25. In the health care industry, the Longevity Economy accounted for about $1.6 trillion (about 73 percent) in health care spending in 2012; by 2032, this figure is projected to increase 158 percent and comprise 78 percent of total health care spending.

Most other industries, too, are affected by the Longevity Economy. From 1990 to 2010, while spending by those over 50 on food and clothing decreased (by 11 percent and 35 percent, respectively), expenditures on recreation and education grew by 23 percent and 90 percent.[89] Moreover, the Longevity Economy has a huge impact on technology spending, with people aged 46-64 comprising about 25 percent of the population but accounting for more than 40 percent of technology purchases."[90] Also, while their frequency of shopping online is similar to that of younger adults, they spend more (an average of $650 over three months compared with $581).[91]

A report by The Nielsen Company and BoomAgers LLC called Boomers "marketing's most valuable generation" and pointed out that "despite their [Boomers'] significant size and spending power, these high potential consumers have been largely unaddressed by marketers and advertisers."[93] The report stated that Boomers dominate 94 percent (119 of 123) of consumer packaged goods categories, meaning goods consumed every day by the average consumer that need to be replaced frequently, such as food and beverages, clothing, and household products. Although they spend about half of all dollars spent on consumer packaged goods, less than 5 percent of advertising is geared towards Boomers.[94] The report noted that Boomers' spending behavior is different than that of other older cohorts because "the Boomers were born into a post-war culture of affluence and optimism" and these values have stayed with them.[95]

> **The Boomers are simply too valuable to ignore—there is much to be gained by prioritizing them, and much to be lost by passing them up.**
>
> **— Nielsen & BoomAgers[92]**

The older adult market is stimulating new companies, new products and services, and new technologies. These include t*elemedicine, mobile health, regenerative medicine, "anti-aging" products and treatments,* and *cognitive training* to improve individuals' physical and cognitive health and help people age in place.[96]

For example, new opportunities exist related to health and safety monitoring technology that would be very useful for family caregivers and older adults alike. By 2020, 117 million Americans are expected to need assistance of some kind, and the number of caregivers, many of whom also work in paid jobs, is projected at only 45 million.[97]

Opportunities abound in the *financial services industry*, as well, to address the unmet needs of older people with access to credit, savings, insurance, and payment services.[98]

Institutions of higher education also stand to gain from attracting this presently overlooked group of students —older adults—who need retraining to remain competitive in the workforce or seek midlife renewal,[99] personal enrichment, and/or opportunities to engage with younger generations. In addition to the economic opportunities presented by an aging population for educational institutions, older adults themselves benefit from the cognitive stimulation; a recent study found that older adults who take college courses may increase their cognitive capacity and possibly reduce their risk for developing dementia,[100] which in turn can result in savings in public and private health care expenditures.

The older adult market is also bolstering the larger U.S. economy through U.S. social insurance benefits (i.e., Social Security and Medicare) received by retirees and workers over age 65.[101] As one example, the Oxford Economics' report on the Longevity Economy cited a 2011 study that estimated that $1.80 in spending resulted from every dollar paid out in Social Security benefits in 2009.[102]

Older adults bring tourism dollars. Tourism is big business. As one example, tourists spend three to four times more money on shopping while travelling than the average shopper.[103] The segment of adults over 55 years of age has been shown to be the group that will increase the overall volume of tourism the most.[104] If people with disabilities are included, this potential segment of tourists approaches one fifth of the population; moreover, accessibility improvements benefit everyone—pregnant women, children, and families, as well as people with disabilities.[105]

Not only the substantial numbers but also the increased financial means and time flexibility make the older adult consumer segment attractive to tourism.[106] A study of the Swiss travel market found that the older adult market is growing at an estimated annual increase of 5 percent in travel propensity from 2009 until 2050, meaning that the travel demand of older adults will increase more than threefold in this timeframe.[107]

Baby Boomers have been described as the most highly educated and best-travelled group that the resort industry has ever encountered.[108] According to the World Tourism Organization, the population aged 60 and over will make more than 2 billion international trips by 2050 as compared to 593 million in 1999.[109] In addition, older adult travelers travel farther than younger adults,[110] and those aged 55-64 have greater spending power[111] than any other age group.

Although older consumers have lower average household incomes than other age groups, they no longer have many of the financial obligations that younger consumers have. For example, 80 percent of those aged 65+ own their own homes, and 80 percent of those own their home outright.[112] Therefore, more funds are available for travel. In addition, since many older adults are no longer engaged in paid employment or are working part time, they have more discretionary time and can travel in off-peak seasons[113] and thus extend tourism.

Different travel markets appeal to different types of older adult travelers. These markets include trips to new places, adventure tourism, educational or cultural tourism, amenity tourism for rest and relaxation (e.g., sun and beach access), and time to be together with family and friends,[114] either organized individually or as part of group package tours. Marketers and travel companies that are knowledgeable about and sensitive to the characteristics, needs and requirements of these different groups and motivations of older adults will benefit the most from increased business.[115,116]

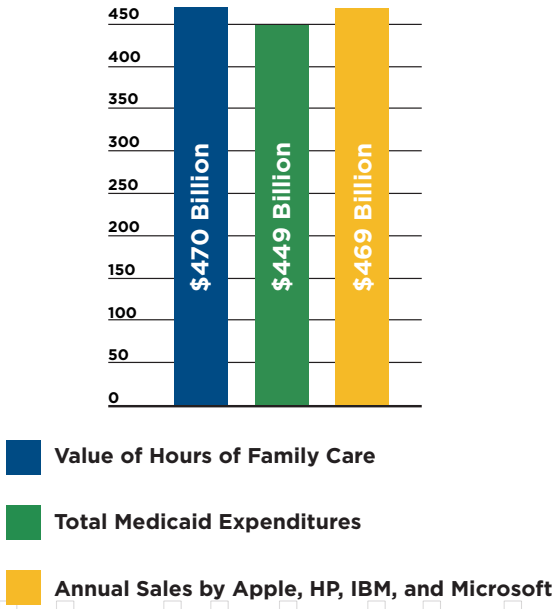
Social Capital Benefits

Older adults provide care and resources across generations. Studies commissioned by Ameriprise Financial in 2007 and again in 2011 found that Boomers are generously supporting their adult children and their aging parents,[117] serving as a "resource and safety

net"[118] for them. The 2011 study found that 58 percent of Boomers reported providing financial assistance or help with daily tasks to their parents, and nearly all Boomers surveyed (93 percent) reported having provided some form of financial support to their adult children.[119]

A 2015 AARP report found that about 40 million family caregivers in the U.S. provided 37 billion hours of care —worth an estimated $470 billion—to their parents, spouses, partners, and other adult loved ones with chronic, disabling, or serious health conditions in 2013. This amount is greater than total Medicaid spending ($449 billion) and nearly equal to the annual sales ($469 billion) of the four largest U.S. technology companies combined (Apple, Hewlett Packard, IBM, and Microsoft) in 2013 and is equal to about $1,500 for every person in the U.S. (316 million people in 2013).[120]

Value of Family Care Compared to Medicaid Spending and Sales by Four Largest Technology Companies in 2013



These figures do not take into account the care, advice and moral support, and financial assistance that grandparents provide to grandchildren.

A 2012 study by MetLife Mature Market Institute found that 62 percent provided financial assistance for their grandchildren, 13 percent provided regular care for grandchildren, and about 20 percent were living in multi-generational households.[121] The average amount of financial support or monetary gifts given for all grandchildren over the previous five years was $8,289. Of those providing child care on a regular basis, 32 percent were babysitting five or more days per week, and 15 percent were raising one or more grandchildren. Of those living in multi-generational households, 30 percent had grandchildren sharing the same household, either with (23 percent) or without (7 percent) their parents.

In addition to financial and caregiving support, grandparents viewed the transmission of key personal values as important:

- Community involvement such as voting (73 percent), volunteering (49 percent), and civic engagement (49 percent);
- Positive character traits including honesty (88 percent), good behavior (82 percent), and conscientiousness (67 percent);
- Life skills including self-sufficiency (70 percent), higher education (69 percent), good health habits (68 percent), and financial security (55 percent); and
- Heritage and ancestry, such as preserving family ties (67 percent) and cultural beliefs and customs (36 percent).
- Religion and religious observances (40 percent).

The top two responses selected for how grandparents wanted their grandchildren to see their legacy were "I provided for my family, even in tough times (cited by 52 percent) and "I taught my grandchildren how to make a positive difference in the lives of others" (47 percent).[122] Activities they commonly engaged in with grandchildren were family celebrations, going out to eat, Grandparents Day, outdoor activities, attending grandchildren's activities, spending vacations together, and activities such as cooking, reading or going to a library, going to movies, doing crafts together, or volunteering together.

The value of grandparents to grandchildren (and vice versa) continues even once the grandchildren are adults. A study using data from the Longitudinal Study of Generations found that both grandparents and adult grandchildren who were emotionally close had fewer symptoms of depression. Grandparents who gave tangible support to their grandchildren or who gave and received this support from grandchildren also had fewer depressive symptoms.

Grandparents who only received tangible support (such as performing chores, giving advice or financial help, providing transportation), but did not or could not give it, had the most depressive symptoms. (For the adult grandchildren, there was no connection between giving or receiving tangible support and depressive symptoms.)[123] Grandparents are important to their grandchildren and adult children, and to society as a whole.

Older adults serve the community through volunteering and civic engagement. As a group, Baby Boomers are healthier and wealthier than any prior cohort, and their potential for civic contribution is vast, particularly since their entry into retirement age coincides with numerous social challenges, such as the devolution of welfare programs.[124] Their rate of volunteering also is higher than that of earlier generations at the same age.[125]

Older adults also are increasingly engaging in social entrepreneurship, aided by programs such as those of Encore.org (formerly Civic Ventures). Encore.org has identified strategies to increase older adults' interest in "encore careers," which involve "paid or unpaid work in the second half of life that combines personal meaning with social impact."[126]

The volunteer rate in the U.S. in 2014 was 25.3 percent, with about 62.8 million people volunteering through or for an organization at least once during the year.[127] Rates varied by age: 21.9 percent of those aged 16-24 volunteered, as did 22.0 percent of those aged 25-34, 29.8 percent of those aged 35-44, 28.5 percent of those aged 45-54, and 23.6 percent of those aged 65+. Volunteer activity was highest among white, married persons, women, and the college-educated.

Volunteers spent a median of 50 hours on volunteer activities during 2014, ranging from a low of 32 hours for those aged 25 to 34 years old to a high of 96 hours for those age 65 and over. In 2014, overall volunteering by older adults amounted to 2.0 billion hours of service.[128]

While older adults volunteer at a slightly lower rate than some other age groups, they devote considerably more hours. Volunteers contribute billions of hours of service to religious organizations, educational programs, social or community services organizations, and other programs. Research has shown that volunteering is positively correlated with employment, especially part-time employment, which suggests that the right time for recruiting Baby Boomers as volunteers is before they make the transition from employment to retirement.[129]

It is challenging to quantify the value of volunteer work. One approach is to assign a dollar amount to this work. The Corporation for National and Community Service valued the 2 billion hours of service by older adults in 2014 at $45.7 billion.[130]

Value of the 2 Billion Hours of Volunteer Service by Older Adults in 2014

Using the replacement cost approach, one study cautiously calculated the economic value of global volunteer output as being equivalent to 2.4 percent of the entire global economy and 17.5 percent of worldwide government final consumption expenditures.[131] This same study noted that volunteers represent an immense global presence, pointing out that if all the world's volunteers were gathered together on a single land mass, they would comprise the second largest adult population in the world, behind only China.

Organizations that engage at least 10 volunteers are equally as effective as their peers with no volunteers, but at almost half the median budget.

— Peter York, Senior Partner and Chief Research and Learning Officer, TCC Group[132]

Another way to understand the enormous value of volunteer work is the number of organizations that use volunteers. In 2014, most volunteers were involved with one (71.4 percent) or two (18.5 percent) organizations.[133] The organizations for which volunteers worked the most hours were religious (33.3 percent of volunteers), educational or youth service related (25.1 percent) or a social or community service organizations (14.4 percent).[134] Older volunteers were more likely to volunteer mainly for religious organizations (43 percent) compared with volunteers aged 16 to 24 (26.1 percent).[135]

The main activities in which older adult volunteers were engaged in 2014 were collecting/distributing food (28.7 percent), fundraising (22.1 percent), management (20.6 percent), general labor (18.0 percent), other (16.9 percent), religious (usher, etc.) (16.5 percent), collecting/distributing clothing (16.3 percent), office services (14.5 percent), tutoring/teaching (13.7 percent), mentoring youth (9 percent), music/art (8.4 percent), emergency response/counseling (6.1 percent), and sports teams (coach, etc.) (1.9 percent).[136]

Four in five U.S. charities use volunteers, and 83 percent of U.S. religious congregations have some kind of social service, community development, or neighborhood project.[137]

Organizations that rely on volunteers report that volunteers are a valuable resource, providing benefits such as increases in quality of services or programs provided, cost savings to the organization, increased public support for programs and improved community relations, as well as a higher service level that could not be provided without volunteers.[138]

Volunteers themselves receive health benefits from volunteering. In addition to the various ways in which communities benefit from the efforts of volunteers, volunteers benefit themselves. Research has demonstrated that volunteering leads to better health and that older volunteers are those most likely to benefit, whether because volunteering provides social and physical activity and a sense of purpose or because older adults are more likely to face higher incidence of illness.[139]

Volunteering has been shown to provide older adults a sense of purpose and accomplishment, to increase life satisfaction, and to be associated with better physical and mental health, including reduced mortality, increased physical function, increased levels of self-rated health, reduced symptoms of depression, reduced pain, higher self-esteem,[140, 141] as well as higher levels of happiness and a greater sense of control over life.[142]

While better health leads to continued volunteering, volunteering also leads to improved physical and mental health.[143] In one study, 174 older adult volunteers served at least 15 hours per week, for a full school year, in elementary schools helping children with reading and other skills. The volunteers who had initially been in only fair health were significantly

more likely to display improvements in stair-climbing speed than those in good or excellent/very good health, and many showed improved walking speed.[144]

The findings regarding the health benefits of volunteering indicate that volunteering may allow individuals to maintain their independence as they grow older.[145]

Age-friendly communities reduce barriers to volunteering. Several barriers exist to involving Baby Boomers in volunteer work and civic engagement. Many of these are common across age groups, such as transportation issues, financial pressures, and competing activities. Others are of special concern to the Boomer generation, such as caregiving responsibilities, being asked to do menial tasks, vague job descriptions, and roles with unclear impact.

The failure to promote civic engagement and its individual and communal benefits among this group has consistently been a barrier to volunteering. Volunteer management has also often been inadequate, as agencies are not prepared to effectively engage volunteers, leaving negative first impressions on those who have great potential to benefit the agency and the larger community.

According to a survey conducted by the National Council on Aging in 2005 of over 800 officials from 20 leading nonprofits in the U.S., 91 percent could not report any organizational practices for engaging older adults in volunteerism.[146] This finding indicates great untapped potential. An age-friendly community facilitates volunteer efforts through physically accessible and emotionally and socially welcoming environments.

Older adults make philanthropic investments and charitable contributions. Surveys reveal that both giving and volunteering behavior increase with age.[147] About three fourths of adults in mid-life and older engage in charitable giving.[148] A review of the literature found that the amount of gifts increases with age up to age 65, at which point there is a small drop in the dollar amount of annual charitable giving, likely due to the decreased incomes of older adults.[149]

A 2001 Independent Sector study found that the 50-64 age group gave the most ($1,912 average annual contribution), followed by those aged 40-49 ($1,827), then those aged 65 and over ($1,718). However, those in the 65 and over age group gave a significantly higher percentage of their household income than all other age groups (4.7 percent, down to 2.1 percent in the 21-29 age group).[150]

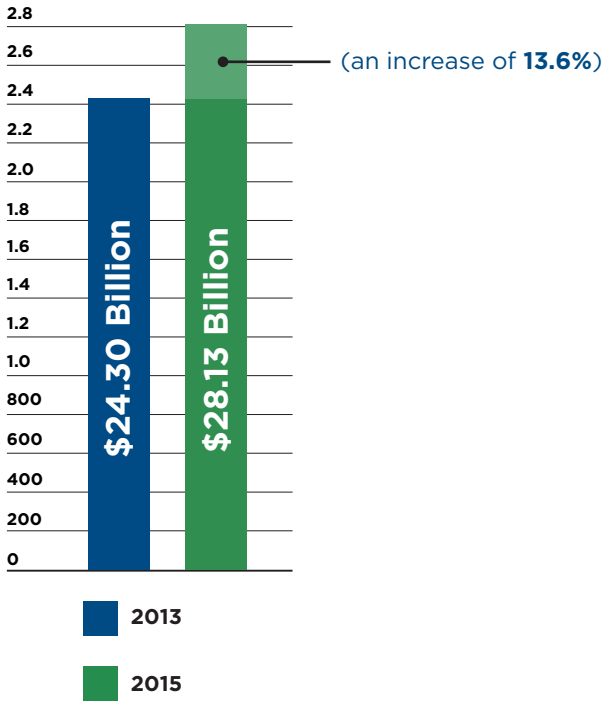
A more recent online survey in 2013 of 1,014 U.S. donors aged 18 or older controlled to be U.S. Census representative found a somewhat different result. There, the greatest percentage (88 percent) of Matures (those age 68 or over in 2013) gave, supporting the greatest number of causes (6.2) and giving more money, on average ($1,367), to the causes they support than any other age group. They contributed 26 percent of all donations.[151]

Next came Baby Boomers (those aged 49-67 in 2013). Of this group, 72 percent gave, representing about one third of all adult donors and contributing 43 percent ($62.9 billion per year) of all dollars. Boomers donated an average of $1,212 annually to 4.5 charities. Given the size of the Boomer cohort, this group can be expected to exert a large influence on charitable giving for many years to come.[152]

Some studies have found that older people donate more to charitable causes when they are less concerned about their own children's financial future.[153] This shift may indicate an increased desire with age to contribute to the well-being of others.[154] Another life cycle-explanation for the increase in giving with age is that in old age people are closer to the end of their lives, and mortality salience may increase the psychological benefits of giving.[155] Indeed, a 2014 study demonstrated this.[156] Still, religious giving and service attendance by Baby Boomers are lower than those by the previous cohort of older adults at the same life stage.[157, 158]

In 2015, giving through bequests produced $28.13 billion in charitable contributions to American nonprofit organizations, almost 60 percent more than all gifts from businesses and corporations ($17.77 billion), and representing an increase of 13.6 percent over 2013 when adjusted for inflation.[159]

Giving by Older Adults Through Bequests



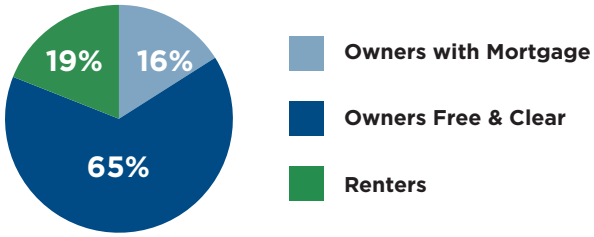
Such testamentary gifting is expected to continue to increase in coming years as part of an overall growth in intergenerational transfers. The total wealth transfer to Baby Boomers has been estimated at $8.4 trillion,[160] and a portion of this significant sum may be set aside for charitable purposes. Thus, Baby Boomers represent a significant potential for donor development.

Opportunities Related to Housing

The aging of the population presents the opportunity and an imperative to make changes in the housing sector to enable older adults to age in place,[161] maintaining their social, business, and service connections. Age-friendly communities meet the housing needs of all people through a variety of housing options at a range of costs and with a range of supportive features. This approach to housing affords residents the opportunity to grow older in place (i.e., in their home or community) and thus maintain their social connections and their familiarity with the neighborhood and its businesses and services.

Affordable housing can have positive economic and fiscal impacts for the public and private sectors. Housing affordability is a growing area of concern and focus of age-friendly communities due to cost burden, gentrification, and the shortage of housing. Of the 26.8 million households headed by people aged 65 and older in 2013, 81 percent were owners and 19 percent were renters (65 percent owned their homes free and clear); median family income of older homeowners was $34,500, while that of older renters was $17,300).[162]

Home Ownership Among People 65 and Older in 2013



Housing cost is the single largest expenditure in most household budgets, and among adults aged 65 and older about half of all renters and owners with mortgages are housing cost burdened (i.e., paying more than 30 percent of their income for housing).[163] Positive economic and fiscal impacts of affordable housing for the public and private sectors include job creation, reduced foreclosures, improved workforce housing stock, and increased resident buying power.[164] The net gain in resident purchasing power for a local economy is maximized when the source of the housing subsidy is from a non-local source, such as state or local government or from a philanthropic organization.[165]

The growing older adult population will increase demand for alternative housing arrangements. Age-friendly communities take into consideration that the housing landscape is changing. The retirement community industry is described as being "in crisis," as age-segregated communities have faced difficulties in finding residents and keeping vacancy rates low. Factors leading to this trend include the high cost of retirement housing, insufficient resources to pay for those costs, and a "growing disaffection with institutional living."[166]

It is expected that by 2025, growing demand for alternative housing arrangements that offer a combination of affordability, accessibility, and supportive services is expected, and people remaining in single family homes are expected to increase spending on remodeling to their changing needs.[167]

Age-friendly communities offer a continuum of housing options and supportive services for the independent through the dependent, allowing for aging in one's present home or community, reducing the need for moves and preventing or postponing costly public and private expenditures for long-term institutional care. Housing that is age friendly must consider the normal gradual decline of physical and mental capacities that occurs with age and is often accompanied by an increasing need for assistance, sometimes necessitating a move to a more appropriate care setting.[168]

As they age, older adults are increasingly likely to face disabilities that pose challenges to independent living; 37 percent of those aged 65 and older are expected to receive care in an institutional facility at some point in their lifetime, with an average stay of one year, with the chances of this increasing with advanced age.[169] Age-friendly housing offers a housing continuum—in existing neighborhoods and retirement communities—that ranges from households for those who are completely independent to those who depend on skilled care.[170]

At the heart of age-friendly housing is the designing and building of housing and supportive services for older adults that permit people to age in their own homes or communities and prevent or reduce the need for moves from one household setting on the continuum to the next.[171] Home and community-based services—a focus of some age-friendly projects[172, 173]—can prevent or postpone costly expenditures for long-term institutional care for some older adults.[174]

Age-friendly communities do not assume that aging in one's home is always the best option; these communities provide supportive services and assistance with planning for a move and for other care choices that are critical when a move is made.[175] When someone does choose to age in place, supportive services, housing policies, building codes, and other policies (e.g., incentives for installing accessible home features, requiring one zero-step entrance, locating housing in close proximity to services) can facilitate this choice.[176]

Opportunities Related to Physical Infrastructure

Age-friendly communities have physical environments that work for everyone. Physical environments that facilitate access and mobility for children who are eight and adults who are 80 also work for everyone else.[177] An age-friendly community designs, develops, and maintains physical environments that are accessible and enhance mobility. These environments are good for people across the life course, whether they are young parents with children, people with disabilities, older adults who are less mobile or very active people at any age. Furthermore, good environments go beyond physical infrastructure that enhances travel. They can also enhance social support and interpersonal connectivity.[178]

We need to stop building cities as if everybody was 30 years old and athletic.

— Gil Penalosa, Founder and Chair of the Board of 8 80 Cities[179]

Communities that have environments that work for mothers with strollers, children, people with disabilities, and older adults with a range of functional ability will reduce barriers, enhance social equity, and work better for everyone.

Universal design—i.e., structures, products, and neighborhoods that enable people to maintain routine activities despite functional impairments—is one inclusive approach to designing safe and healthy environments for people across the age and ability spectrums. Applying such approaches in public and private settings can lead to substantial return on investment that can far surpass the initial costs.[180] Universally designed environments, products, and services are safer, accessible, attractive, and desirable for everyone and easily repurposed for other uses. They are also capable of reducing falls and related health expenses and are minimal in up-front cost when incorporated into new construction.[181]

Age-friendly communities have a range of transportation options, facilitating mobility. Having the ability to move around in a community is of central importance to individual well-being as well as to employers and businesses. Transportation policy solutions focusing on improving older adults' mobility and safety have been short-term, stopgap measures. These solutions include increasing specialized transportation services such as paratransit (i.e., complementary transit services for people unable to navigate regular, fixed-route transportation services such as buses and trains[182]) and requiring more stringent driver's license testing. These policies have, in fact, segregated older adults from the broader community and increased the complexity and cost of transportation systems.

Alternatively, communities can eliminate barriers faced by persons with differing abilities and integrate solutions that take an inclusive, universal approach, focusing on those across the age and ability spectrums.[183] Walkable communities, in particular, have been shown to reduce the risk of chronic disease and improve public health and quality of life.[184] Additionally, a robust public transportation network is likely to increase physical activity for older adults, resulting in reduced health expenditures.[185, 186]

Age-friendly communities have healthy and connected neighborhoods that save residents time and money and improve quality of life. Age-friendly communities integrate housing and transportation options, thereby increasing mobility, saving money and time for those accessing jobs and services, and providing opportunities for social interaction. These communities foster physical activity, familiarity with people and places, and a vibrant sense of place. Housing location is critically important to household budgets, as residential location influences how much of a household's budget is spent on transportation.

Transportation costs are now being included by some in calculating the cost of housing since they are inextricably linked: people who live in transit-friendly communities spend an average of 9 percent of their household budget on transportation costs, while those in the average American household spend 19 percent, and those in car-dependent settings spend 25 percent.[187]

Multiple factors in the physical and social environments contribute to the health and well-being of older adults.[188] A clear need exists to provide housing and surrounding environments (e.g., pedestrian and transportation infrastructure) in a manner that supports people of all ages and abilities, including the fast-growing proportion of older adults in urban neighborhoods.[189]

A call to action has been made to urban planners and policy makers to prepare for population aging by engaging the aging perspective in the planning process[190] and

providing affordable, well-designed housing in close proximity to essential services and with sufficient infrastructure in an effort to integrate a population that is increasingly diverse in age and culture while fostering social well-being.[191]

The ability to have an active, healthy, and engaged lifestyle—especially older adults with mobility limitations—is largely determined by the supportive physical and social environments in which people are located. Jurisdictions that plan for their aging populations make it easier for older adults to age successfully and continue to be engaged in and contribute to the community.[192]

Investing in age-friendly housing and environments can lead to public as well as private cost savings. By integrating land use and transportation planning, aging in place is more attainable through the following:

- Improved environments (e.g., sidewalks, curb cuts, seating),
- Street networks (e.g., high connectivity, improved wayfinding),
- Land uses (e.g., a mix of housing, services and businesses), and
- Appropriate housing (e.g., accessible, affordable).

These types of integrated environments make goods and services more accessible. Because of proximity to services, public transportation costs can be lowered, and savings and health improvements can be accrued for workers, caregivers, retirees, and others utilizing public infrastructure.[193]

A report prepared for Grantmakers In Aging cites research findings demonstrating, in particular, the economic performance of compact walkable communities with respect to the following: infrastructure efficiency, requiring less expense per dollar of tax base; increased property values; increased public support for intense land use, resulting in a larger tax base; increased business activity; and increased demand for office and retail development.[194, 195]

Efficient and mobility-enabled communities require connectivity if we are to make walking and bicycling time-competitive with automobiles; low connectivity has been found to increase traffic congestion for vehicles and increase public costs with respect to road maintenance and accidents that result from poorer traffic safety.[196] Street connectivity can also reduce the cost of providing emergency services to a population.[197]

Additional savings can be realized by the public sector and individuals. For example, the coordination of transportation services—i.e., a process by which two or more organizations, which may or may not have worked together previously, interact jointly to accomplish their transportation objectives—can improve access for the users of systems and reduce costs. For example, the state of Florida has received a payback of $8.35 for every $1.00 spent by the state's transportation disadvantaged program.[198]

Policymakers should be aware that location efficiency is related to mortgage default and, perhaps, to the ability to age in place. A national study of 40,000 mortgages found that, after controlling for household income, mortgage default probability increased with the number of vehicles per household, and default probability decreased with improved

walkability (measured by higher Walk Scores, an online product used to evaluate neighborhood walkability and transportation options) in high-income areas, although it increased with higher Walk Scores in low-income areas).[199]

Housing location preferences appear to be changing to include consideration of transportation and mobility options. Although most adults aged 50 and over live in single-family housing that they own[200] and in suburbs or smaller towns,[201] evidence is emerging that preferences may be changing. Recent research on housing preferences with 3,000 Americans found that 51 percent of Baby Boomers preferred homes with smaller yards in walkable neighborhoods (compared with conventional suburban homes with larger yards that required driving). Additionally, 43 percent of Baby Boomers reported a preference for apartments or attached townhomes that had an easy walk to services and a shorter commute, compared with single family homes in a conventional suburban community.[202]

As people age, they tend to remain in their familiar housing as long as they are able to, effectively placing an "anchor" that facilitates aging in place.[203] Although older people are less likely to relocate as they age, when they do, it may be within their current communities and for housing that is better, cheaper, or simply different, or for family-related reasons (perhaps surprisingly, moves occur less frequently for health-related reasons).[204]

Extant housing and environments for older adults in the U.S. fail to meet current needs (and are not expected to meet future needs),[205, 206] and older adults often age in place. For these reasons, age-friendly policies are needed in new and existing neighborhoods for transportation (e.g., both public transit and private automobiles) and land use (e.g., mixed use zoning, walkable communities).[207]

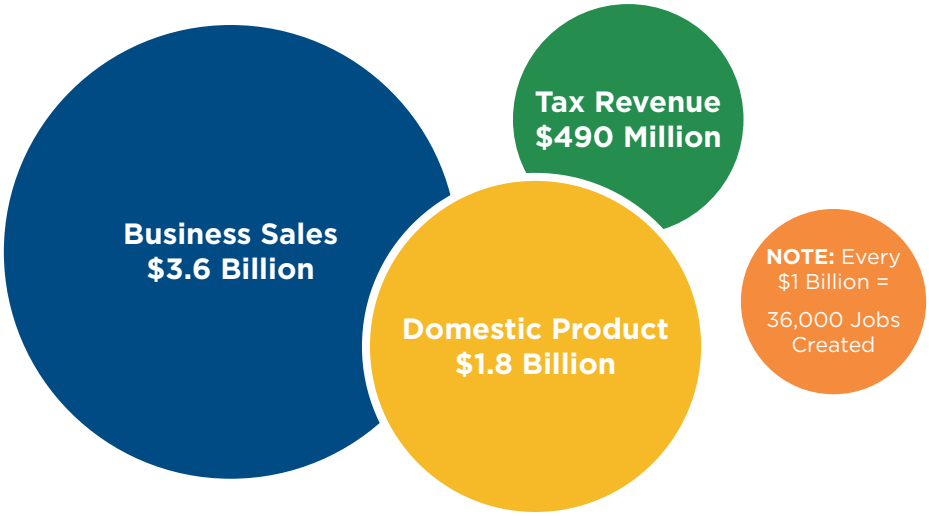
The challenges associated with creating age-friendly physical environments bring opportunities for cross-sector coordination and collaboration. Several specific challenges exist for providing and preserving affordable housing near transit, especially for lower-income older adults who desire to age in their present home:

1. There is growing evidence that a value premium is placed on land located near transit, making it more costly to produce new affordable housing while at the same time making existing, privately owned, subsidized housing more vulnerable to being lost;
2. For individuals facing driving cessation due to disabilities and those who are unable to afford a car, public transportation may be the only reasonable transportation option, but many live in single-family homes in auto-dependent neighborhoods; and
3. Of the federally subsidized apartments with rental assistance contracts within one-half mile of quality transit in 20 metropolitan regions across the country, more than 70 percent are covered by federal contracts that will expire over the next five years.[208]

Moving forward, coordination and collaboration are needed across all levels of government and all stakeholders in order to leverage policy efforts that will create housing and physical environments that are good for people of all ages and abilities.[209, 210]

Infrastructure improvements require significant financial investments, although research has shown considerable economic benefits and development opportunities for communities from such investments. In public transportation, for example, every $1 billion invested results in 36,000 jobs created, $3.6 billion in business sales that produce $490 million in tax revenue, and $1.8 billion to the gross domestic product,[211] as well as physical and mental health benefits for community residents.

Impact of Investing $1 Billion in Public Transportation



The budget for built environment improvements is in the transportation or public works departments, however, not the economic development or health departments; thus, the benefits do not accrue to the entity that bears the costs.

Models for addressing this problem exist, such as capture and reinvest models such as social impact bonds and performance contracts, which quantify the costs and benefits of an intervention and structure ongoing funding from the savings achieved.[212] More research is needed, however, to quantify the net costs and benefits and determine how the necessary funding can be obtained to implement improvements, and the silos that exist between departments and disciplines will need to be reduced.

Although aging-sensitive environmental design and improvements can be expensive, investments will pay off for a broad range of users. Age-friendly improvements such as better sidewalk connectivity, redesigned infrastructure to reduce falls and improve safety, enhanced mobility options to connect with services, and improved compliance with regulations such as the Americans with Disabilities Act will ultimately make communities better places for people across the life course.[213, 214]

Health Benefits

Age-friendly communities result in lower public and personal costs related to illness and health care. An age-friendly community has physical and service environments that aid in lowering the costs associated with illness, chronic disease, and health care through increased physical activity and preventive services. By integrating age-friendly principles into health policies and programmatic efforts—e.g., complete streets, mitigating health disparities, health care reform—opportunities exist to strengthen partnerships, build efficiencies, and create healthier communities.[215]

While having a larger proportion of older adults is likely to increase health care expenditures, the nature of disease patterns in the U.S. is also putting pressure on the health care system. Chronic disease is increasingly the leading cause of disease and premature death.[216] Cardiovascular disease, cancer, chronic lower respiratory diseases such as chronic obstructive pulmonary disease, stroke, diabetes, and Alzheimer's disease were six of the top seven causes of death.[217] Chronic diseases are very costly to treat, with over 86 percent of health care spending in 2010 used to treat individuals with one or more chronic conditions.[218]

The largest shares of total health care spending were from the federal government and households (28 percent), followed by private businesses (21 percent), state and local governments (17 percent), and other private revenues (7 percent).[219]

Medicare spending in 2014 was $597 billion (14 percent of the federal budget) and came from the Medicare Trust funds accounts held by the federal U.S. treasury.[220] Medicaid funding in 2014 was $476 billion[221] and comprised 9 percent of the federal budget.[222]

As households and businesses are most burdened—in addition to the federal government—by heath care spending, these are the groups that will benefit most by age-friendly communities that reduce costs associated with illness and disease.

Many chronic diseases can be prevented or controlled through attention to the physical environment. Public health experts recognize that by paying attention to the environment in which we live, work and play, many chronic diseases can be prevented or controlled.[223] Personal behaviors such as stopping smoking, improving diet, and getting regular exercise are also important for chronic disease prevention and management.[224]

Research has identified a wide range of built and natural environment variables related to physical activity and health, including walkability,[225] crime,[226] travel behavior,[227] transit access,[228] park and recreational access,[229] tree/vegetative cover,[230] air quality,[231] and traffic safety.[232, 233]

Urban design in particular has been shown to affect physical activity levels, largely by the influence of the built environment (e.g., land use patterns, transportation networks, and street design) on active modes of transportation such as walking and bicycling. Physical inactivity is a significant risk factor for many diseases, including all-cause mortality, cardiovascular disease, diabetes, Alzheimer's, dementia, some cancers such as breast and colon cancers, and the risk of being overweight or obese.[234, 235, 236] Likewise, older adults who remain active are likely to live longer, be healthier, and have fewer health care utilization/costs.[237, 238, 239]

Designing age-friendly environments specifically to encourage physical activity can improve health and lower health care expenditures. Built environments that facilitate physical activity have been linked with reductions in chronic disease and in health care expenditures.[240] Physical activity has shown to decrease mortality,[241, 242, 243] decrease cognitive decline,[244, 245, 246] improve mental health,[247] and moderate diabetes.[248] Physical activity has been shown to significantly reduce the likelihood of cancer and cancer recurrence.[249] Obesity in older adults is associated with dementia[250] and can complicate treating other co-morbid conditions in older adults, leading to rising health care costs.[251, 252] Older adults who remain active are likely to live longer, be healthier, and have fewer health care utilization/costs.[253, 254, 255]

Age-friendly communities facilitate healthy behaviors of older adults through their design and infrastructure. Features that enhance the walkability of a community help older adults maintain their walking habits.[256, 257] These features include greater density, microscale features such as park benches,[259] having specific destinations to walk to,[260, 261, 262] lower traffic speeds,[263] and features that address special safety needs[264] such as marked crosswalks.[265, 266]

Neighborhood walkability—generally defined to be a combination of measures of housing density, multi-use destinations, and density of intersections—has been associated with less depression in older adults.[267] It may also help control older adult mental health costs.[268, 269]

Neighborhoods that are walkable are associated with higher physical activity across the age spectrum,[270] and walking, the easiest active transportation form for older adults, is a potential avenue for increasing physical activity rates.[271] Researchers are increasingly establishing the relationship between physical activity and cancer prevention and have estimated that increasing physical activity for people of all ages could result in a savings of up to 11 percent in health care expenditures.[272] Similarly, modest gains in obesity prevention for working adults would result in significant health care cost savings.[273, 274, 275]

Age-friendly communities also address other issues that influence health, such as pollution, access to health care and social services, safety, and social support. Older adults are more susceptible than younger adults to transportation-related air pollution and noise, leading to increased hypertension,[276, 277] increased cardiovascular and respiratory events and death,[278, 279, 280] and, potentially, increased rates of breast cancer.[281] Reducing air pollution and traffic noise levels, therefore, will be of particular benefit to older adults.

A study in Detroit demonstrated the relationship between age-friendly community features and self-rated health among older adults.[282] Access to health care, social support, and community engagement were associated with better self-rated health, while neighborhood problems (e.g., crime, abandoned buildings, inadequate heat in housing) were associated with poorer self-rated health.[283]

Finally, a National Geographic expedition to find the longest living cultures ("Blue Zones") revealed nine specific characteristics shared by Blue Zones residents that appear to explain longevity. Two of these were having a sense of purpose and a feeling of belonging,[284] which are consistent with the features of respect and social inclusion and civic engagement and volunteering.

Moreover, a demonstration project to apply the nine principles, through adoption of a community wellness plan involving walking and healthier eating, to Albert Lea, a small town in rural Minnesota, revealed that after only one year, participants were estimated to have added 2.9 years to their lives, and health claims by city workers dropped 49 percent.[285] In five years, walking increased 70 percent, smoking decreased by 4 percent, and as a group, participants lost almost 4 tons of weight.[286] The strategies credited with the success of the initiative were forming walking and biking groups, a public education campaign about the benefits of physical activity, and safety and pedestrian improvements to the community's streets and parks.[287]

Age-friendly environments reduce social isolation and improve health and community engagement. Social connectivity is a basic tenet of age-friendly communities.[288] This is important because Americans—both younger and older—are more socially isolated, or distanced psychologically, physically or both, from other people,[289] now than ever before, to great detriment. Inadequate social support networks are associated with increased morbidity and mortality, and limited social ties have been linked with poor overall health and well-being,[290] including greater rates of infection, depression, and cognitive decline.[291]

On the other hand, social engagement, which is defined as making social and emotional connections, consistently has been shown to improve physical and psychological well-being.[292, 293] Both actual, objective social isolation and perceived social isolation, or loneliness, negatively affect physical and mental health,[294] and older adults who can either withstand socially isolating circumstances or adjust their expectations so that they do not develop a subjective sense of isolation may fare better than those who feel isolated.[295] While the mere presence of another person can reduce stress, feelings of loneliness may exacerbate it, as revealed in higher blood pressure and cortisol levels.[296]

Loneliness and social isolation are matters of public health.[297] Age-friendly communities reduce social isolation among older adults[298] by enhancing social inclusion in a sustainable and comprehensive manner.[299] Examples of interventions include mentoring programs, telehealth programs, gatekeeper programs that help community members identify signs of isolation,[300] and having places that facilitate social interaction in buildings and open spaces.[301]

Other Benefits

Older adults make significant contributions to the social, political, and environmental fabric of society. Although difficult to quantify, there is ample research to show that communities benefit from the engagement of their older populations in additional ways than those already described.

Older adults add vibrancy to their neighborhoods by interacting with neighbors more than any other age group.[302] They also have knowledge, expertise, skill, and wisdom to educate and inform younger generations—contributions that typically go uncounted.[303] One study revealed that older adults "care for place" not only by volunteering, but through activism, advocacy, and nurturing. Through these activities, which can happen individually or in groups, older adults assume a variety of care roles in their communities, including helping and representing others, giving advice and support, and effecting change.[304]

Trees grow stronger over the years, rivers wider. Likewise, with age, human beings gain immeasurable depth and breadth of experience and wisdom. That is why older persons should be not only respected and revered; they should be utilized as the rich resource to society that they are.

— United Nations Secretary General Kofi Annan[305]

However, older adults' ability to be engaged and contribute is dependent on the community's physical accessibility and its receptiveness—the community's age-friendliness.

Conclusion

The demographic data and projected trends described here demonstrate our increasingly older population and the importance of taking these changes into account if we are to make use of older adults' considerable assets.

Many economic, social, and personal benefits are to be gained by recognizing the value of older adults and enhancing their opportunities to be engaged and contribute by creating communities that are age friendly. Most of the benefits seem to clearly outweigh the costs, such as these:

- The knowledge and skills accumulated by older adults over the course of their lives,
- A ready pool of qualified workers,
- Enhanced organizational productivity,
- Contributions to economic growth through new companies,
- A large market of consumers with significant size and spending power for new products, services, and technologies, and
- A huge cadre of volunteers and donors.

Some features though, such as infrastructure improvements, will require significant financial investments. More research is needed to quantify the net costs and benefits and determine how the necessary funding can be obtained to implement improvements, especially when investment in one area (such as transportation infrastructure) is required but the benefits accrue in another (such as health).

Time is of the essence, however; precious human resources are being untapped. What we do now to make our communities good places to grow up and grow old will yield returns not only for today's elders but also tomorrow's—that is, for all of us.[306]

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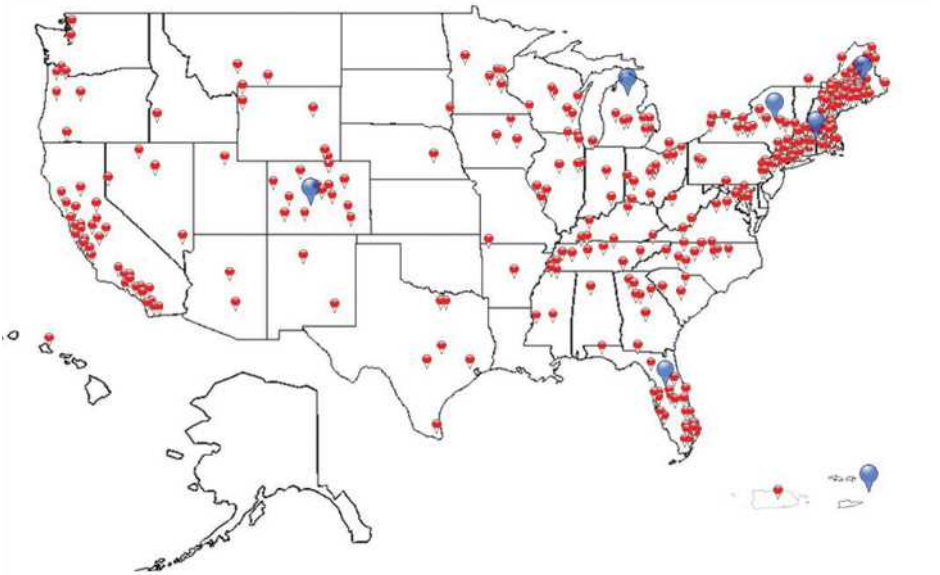
AARP Network of Age-Friendly States and Communities

An age-friendly community is livable for people of *all* ages

AARP.org/AgeFriendly

AARP® Real Possibilities



The AARP Network of Age-Friendly States and Communities reached the 400 member mark in September 2019. The red dots indicate town-, city- and county-level members. The blue pins identify state- and territory-level members. Check out the member list at *AARP.org/AgeFriendly-Member-List*.

AARP
Real Possibilities

Websites: *AARP.org* and *AARP.org/Livable*

Email: *Livable@AARP.org*

Facebook: */AARPLivableCommunities*

Twitter: *@AARPLivable*

Free Newsletter: *AARP.org/LivableSubscribe*

AARP is the nation's largest nonprofit, nonpartisan organization dedicated to empowering people 50 or older to choose how they live as they age. With nearly 38 million members and offices in every state, the District of Columbia, Puerto Rico and the U.S. Virgin Islands, AARP strengthens communities and advocates for what matters most to families: health security, financial stability and personal fulfillment. The AARP Livable Communities initiative works nationwide to support the efforts of neighborhoods, towns, cities, counties, rural regions and entire states to be livable for people of all ages.

Cover photographs (clockwise from top): Washington, D.C., block party, provided by Van Ness Main Street; bike-sharing in Honolulu, by Colby Takeda, Blue Zones Project Hawaii; Age-Friendly Festival, provided by Age-Friendly Sarasota, Florida.

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- **The population of the United States is rapidly aging.**
- **By 2030, one of every five people in the U.S. will be 65 or older.**
- **By 2035, the number of adults older than 65 will be greater than the number of children under 18.**

That's why AARP staff and volunteers are working throughout the nation to engage and mobilize communities, share expertise, and deliver technical assistance to the towns, cities, counties and states in the **AARP Network of Age-Friendly States and Communities**.

The work that happens within the network — which is a program within the larger **AARP Livable Communities** initiative — is hands-on and locally determined and directed. The common thread among the enrolled communities and states is the belief that the places where we live are more livable, and better able to support people of *all* ages, when local leaders commit to improving the quality of life for the very young, the very old, and everyone in between.

AARP engages with elected officials, partner organizations and local leaders to guide communities through the age-friendly network's assessment, planning, implementation and evaluation processes.

People of all ages benefit from the adoption of policies and programs that make neighborhoods walkable, feature transportation options, enable access to key services, provide opportunities to participate in community activities, and support housing that's affordable and adaptable. Well-designed, age-friendly communities foster economic growth and make for happier, healthier residents of all ages.

Communities and nations around the world are increasingly seeking to grow in a more age-friendly manner. Launched in 2012, the AARP Network of Age-Friendly States and Communities is an organizational affiliate of the World Health Organization Global Network for Age-Friendly Cities and Communities, which was established in 2006 to help prepare for the world's growing population of older adults. (Communities wishing to join that network can do so at *AgeFriendlyWorld.org*.)

This booklet provides an overview of the AARP Network of Age-Friendly States and Communities, the enrollment process and the obligations of member communities. Turn the page to learn more. ▶

FIRST IN THE NETWORK!

▶ In April 2012, Macon-Bibb, Georgia, became the first community to join the brand-new **AARP Network of Age-Friendly States and Communities**, thanks to the age-friendly efforts of AARP volunteer Myrtle Habersham, Bibb County Commission Chairman Samuel F. Hart (seated, left) and Macon Mayor Robert A.B. Reichert.

◀ In 2017, grant funds from the **AARP Community Challenge** (see below) helped a Macon neighborhood turn a vacant lot into a community park with outdoor games, seating and tables so people of all ages can visit and play together. "Chess allows people to open their minds," said Antonio Lewis-Ross, president of South Macon Arts Revitalization Technology (SMART). Outdoor game tables "bring people together and gives them something to do other than just hanging around."

Learn about the AARP Community Challenge at *AARP.org/CommunityChallenge*.

Photographs by Matt Odom (top) and Julio S. Gonzalez

Introducing the Age-Friendly Network

The **AARP Network of Age-Friendly States and Communities** serves as a catalyst to educate local leaders (both elected officials and engaged residents) and encourage them to implement the types of changes that make communities more livable for people of all ages, especially older adults.

The network provides cities, towns, counties and states with the resources to become more age-friendly by tapping into national and global research, planning models and best practices.

Membership in the AARP Network of Age-Friendly States and Communities means that a community's elected leadership has made a commitment to actively work with residents and local advocates to make their town, city, county or state an age-friendly place to live.

A community's age-friendly leaders and champions will likely include:

- Elected officials
- Government agencies
- Nonprofit organizations and foundations
- Academic institutions
- Local businesses and Chambers of Commerce
- Area Agencies on Aging
- Community coalitions
- Residents and lots of volunteers

A few important points:

- Communities in the AARP Network of Age-Friendly States and Communities are not retirement villages, nursing homes or assisted-living facilities. Nor are they planned communities or age-restricted housing developments.
- Membership in the network does not mean AARP endorses the towns, cities, counties or states as places to live. Nor does it mean the member communities and states are currently age-friendly and great places to retire.

The Benefits of Membership

Members of the **AARP Network of Age-Friendly States and Communities** become part of a network of towns, cities, counties and states that are committed to enhancing the lives of people of all ages and enabling older residents to have rewarding, productive and safe lives.

Membership in the network:

- Helps local leaders identify and understand community needs
- Serves as an organizing structure for making community improvements
- Fosters partnerships among community groups and local stakeholders
- Provides leadership opportunities for volunteers
- Enables changes that benefit people of all ages

In addition, membership provides a community with:

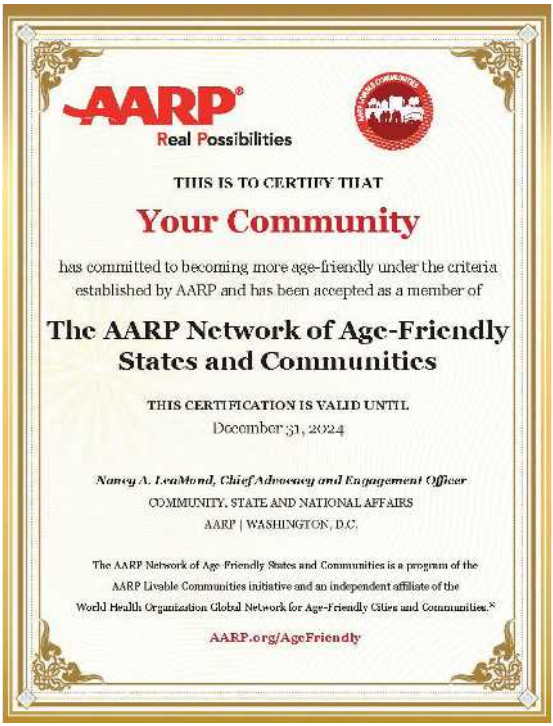
- Public recognition for committing to becoming age-friendly
- Resources for identifying and assessing community needs
- Access to technical assistance and expert-led webinars
- Support and best practice materials from AARP

According to a membership survey, after enrolling in the AARP Network of Age-Friendly States and Communities:

- 60% of member communities achieved a change in public policy, most often by integrating an "age-friendly lens" into community planning
- 34% achieved a private-sector investment or action — such as by local retailers and restaurants securing "age-friendly business" designations, commitments by builders to expand their use of age-friendly design standards, and partnerships with taxi services to provide discounted rides to older adults
- 85% described other successes, such as raising awareness about livability issues, increasing collaborations within the community, and implementing educational and engagement programs

* Survey distributed to members of the AARP Network of Age-Friendly States and Communities (February 2019)

Joining the Network



There is no fee to join the AARP Network of Age-Friendly States and Communities

- Find membership details and an application: ***AARP.org/AgeFriendly***
- Watch informative videos about the program: ***AARP.org/AgeFriendlyTraining***
- Interested communities can contact their AARP state office: ***AARP.org/States***
- See the list of enrolled communities: ***AARP.org/AgeFriendly-Member-List***

Communities enroll individually, as part of a region or as a state.*

All towns, villages, townships, boroughs, cities, counties and states seeking to enroll in the AARP age-friendly network are required to submit a membership application.

In addition, the community must provide a letter of commitment signed by the jurisdiction's highest elected official (e.g. a governor, mayor, county executive).

Communities with council or commission forms of government typically pass a resolution in support of membership in the network.

An enrollment certificate (pictured) is issued once a community's application has been reviewed and accepted by AARP.

* State enrollment in the network does not confer automatic membership on that state's local communities.

What Makes a Community "Age-Friendly"?

The most livable communities are those that enable residents to thrive at every age and every life stage — in other words, they are age-friendly.

However, the availability and quality of certain community features — commonly referred to as the **"8 Domains of Livability"** — do have a particular impact on the well-being of older adults. The domains framework can be used to organize and prioritize a community's work to become more livable for older residents as well as people of all ages.

While many members of the **AARP Network of Age-Friendly States and Communities** tackle all eight domains at once, others choose to focus on fewer or combined domains.

1. Outdoor Spaces and Buildings

People need public places to gather — indoors and out. Green spaces, seating and accessible buildings (elevators, zero-step entrances, staircases with railings) can be used and enjoyed by people of all ages.

2. Transportation

Driving shouldn't be the only way to get around. Pedestrians need sidewalks and safe, crossable streets. Dedicated bicycle lanes benefit nondrivers and drivers alike. Public transit options can range from the large-scale (trains, buses, light rail) to the small (taxis, shuttles or ride share services).

3. Housing

AARP surveys consistently find that the vast majority of older adults want to reside in their current home or community for as long as possible. Doing so *is* possible if a home is designed or modified for aging in place, or if a community has housing options that are suitable for differing incomes, ages and life stages.

4. Social Participation

Regardless of a person's age, loneliness is often as debilitating a health condition as having a chronic illness or disease. Sadness and isolation can be combated by having opportunities to socialize and the availability of accessible, affordable and fun social activities.

5. Respect and Social Inclusion

Everyone wants to feel valued. Intergenerational gatherings and activities are a great way for young and older people to learn from one another, honor what each has to offer and, at the same time, feel good about themselves.

6. Work and Civic Engagement

Why does work need to be an all or nothing experience? An age-friendly community encourages older people to be actively engaged in community life and has opportunities for residents to work for pay or volunteer their skills.

7. Communication and Information

We now communicate in ways few could have imagined a decade ago. Age-friendly communities recognize that information needs to be shared through a variety of methods since not everyone is tech-savvy — and not everyone has a smartphone or home-based access to the internet.

8. Community and Health Services

At some point, every person of every age gets hurt, becomes ill or simply needs some help. While it's important that assistance and care be available nearby, it's essential that residents are able to access and afford the services required.

Photo credits: (1) Jacque Waite for AARP; (2) Yavapai Regional Transit; (3) Getty Images; (4) Getty Images; (5) Melissa Stanton, AARP; (6) AARP Arizona; (7, 8) Getty Images

The Age-Friendly Process and Program Cycle

Members of the **AARP Network of Age-Friendly States and Communities** commit to an assessment process and cycle of continuous improvement, the steps of which typically require the member community to:

1. Establish a way — such as through a commission, advisory panel or focus groups — to include older residents in all stages of the age-friendly planning and implementation process
2. Conduct a community needs assessment (AARP can provide survey examples, templates and an online tool in English and Spanish)
3. Develop an action and evaluation plan based on the assessment results
4. Submit the plan for review by AARP
5. Implement and work toward the goals of the plan
6. Share solutions, successes and best practices with AARP
7. Assess the plan's impact and submit progress reports
8. *Repeat!*

AARP Livable Communities Resources

- Learn about AARP's livability and age-friendly work: ***AARP.org/Livable***
- Find network-related information and materials: ***AARP.org/AgeFriendly***
- Download or order free publications: ***AARP.org/LivableLibrary***
- Read about our "quick-action"grant program: ***AARP.org/CommunityChallenge***
- Follow us on Twitter: ***@AARPLivable***
- Like us on Facebook: ***@AARPLivableCommunities***
- Calculate your community's livability score: ***AARP.org/LivabilityIndex***

Stay informed! Subscribe to the free, weekly, award-winning
AARP Livable Communities e-Newsletter: *AARP.org/LivableSubscribe*

▲ The handout pictured here is available in five languages — English, Chinese, French, Korean and Spanish — as a free, printable download. Visit AARP.org/Livable-Poster.

Learn how your town, village, township, borough, city, county or state can join the **AARP Network of Age-Friendly States and Communities**.

AARP.org/AgeFriendly

State of Maine

San Rafael, California

Vicksburg, Mississippi

State of Florida

U.S. Virgin Islands

Ithaca and Tompkins County, New York

Commonwealth of Massachusetts

See the complete list of enrolled communities: *AARP.org/AgeFriendly-Member-List*

To locate and connect with your AARP State Office, visit *AARP.org/States* or call 1-888-OUR-AARP (1-888-687-2277)

Email AARP Livable Communities: *Livable@AARP.org*

AARP Real Possibilities

AARP is a nonprofit, nonpartisan organization that empowers people to choose how they live as they age.

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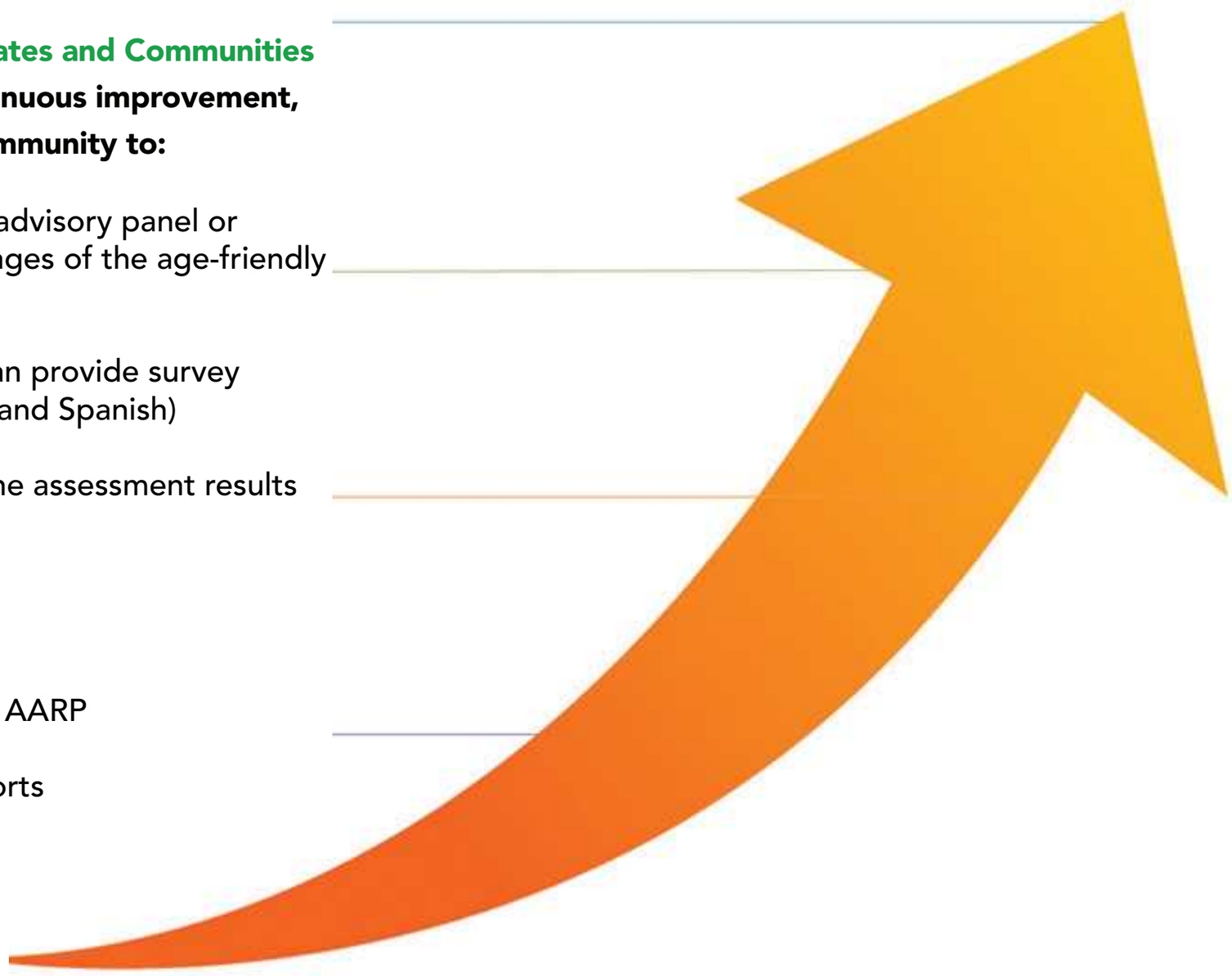

REPORT TO THE LIVONIA CITY COUNCIL

Parks and Recreation
January 27, 2021

MEETING DATE	PREPARED BY
February 22, 2021	Ann Cox, Program Supervisor,

AGENDA ITEM

ADMINISTRATIVE RESPONSE TO CR 19-21: Department of Parks and Recreation, re: subject matter of the Silver Sneakers membership program at the Jack E. Kirksey Recreation Center.

BACKGROUND

In response to audience communication at the January 25, 2021, Regular meeting of the City Council, a resolution was passed referring the Silver Sneakers hours and type of membership to City Administration for report a recommendation.

The City Council approved the current agreement with Tivity Health at the October 19, 2020, Regular City Council Meeting.

#300-20 RESOLVED, that having considered the report and recommendation from the Superintendent of Parks and Recreation, dated September 17, 2020, which bears the signature of the Finance Director and the City Attorney, and is approved for submission by the Mayor, requesting approval to enter into a contract with Tivity Health Services, LLC, 1445 South Spectrum Blvd., Chandler, AZ 85286, to provide Silver Sneaker memberships at the Jack E. Kirksey Recreation Center for eligible participants of the City of Livonia senior community, said memberships to be provided at no cost to the City and Tivity Health Services LLC to pay the City a fee of $2.50 per visit to the Jack E. Kirksey Recreation Center, with a monthly cap per person of $20/month, the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute the proposed contract with Tivity Health Services, LLC in the manner and form herein submitted, subject to approval as to form and substance by the Department of Law, and to do all other things necessary or incidental to the full performance of this 800x600 Normal 0 false false false EN-US X-NONE X-NONE MicrosoftInternetExplorer4 **resolution.**

I have attached the original Council communication and contract for reference. The Silver Sneakers Membership was classified as a Matinee Membership due to the contractual obligation to offer our “base” membership with Tivity Health. When reviewing our membership classifications, Matinee fits that description. Other membership types provide additional services (hours or number of people) at a higher price point. This also was done to put free memberships (regardless of residency) at a time frame of lesser usage for the facility. When comparing the Jack E. Kirksey Recreation Center to other facilities that offer Silver Sneakers memberships, those facilities do not

offer the range of options we do, namely the Matinee option.

We provide a free membership to a premier facility in our community regardless of residency to this specific age group. There is no comparable benefit for any other demographic.

RECOMMENDATION

It is our recommendation that we continue honoring the Silver Sneakers program at the Matinee membership to minimize disruption during our peak hours.

FISCAL CONSIDERATION

ATTACHMENTS

1. 2021 Silver Sneaker Report to Council
2. R012521 Silver Sneakers memberhip (Refer to Admin) CR 19-21

APPROVED BY

Ted Davis, CPRP, Directory of Parks

Date: January 27, 2021

Maureen Miller Brosnan, Mayor

Date: February 04, 2021

DEPARTMENT OF PARKS & RECREATION

PARKS AND RECREATION COMMISSION

MARK JOHNSON
CHAIRPERSON

PAUL CONDON
KATHERINE JOLLY
CATHY KEVRA
KEVIN SUMMERS

15100 HUBBARD
LIVONIA, MICHIGAN 48154-3586
(734) 466-2410 RECREATION DIVISION
FAX: (734) 466-2679

MAUREEN MILLER BROSNAN
MAYOR

EDWARD DAVIS
SUPERINTENDENT

September 17, 2020

Honorable Council
City of Livonia

Re: Silver Sneakers Membership for the Jack E. Kirksey Recreation Center

Honorable Members of Council:

The Parks and Recreation Commission respectfully requests your approval of a contract with Tivity Health to provide Silver Sneakers memberships at the Jack E. Kirksey Recreation Center to eligible participants of our senior community. Eligibility is based upon the individual's medical insurance provider and can be verified with access to Tivity Health portal.

The attached agreement allows for a reimbursement of $2.50/visit to the Rec Center, with a monthly cap per person of $20/month. The agreement would provide Silver Sneakers participants with our "base" Matinee membership and all amenities provided with membership. The current price of a Matinee membership is $19/month or $190/year.

The closure of the Livonia YMCA has highlighted the need in our community for low-cost senior recreation options. The Y had approximately 1,000 Silver Sneakers members. There are about 10,000 eligible participants in a five-mile radius of the Rec Center. The possibility of increased memberships from this program and service to the community make Silver Sneakers stand out as a good opportunity.

Your consideration of this request is appreciated.

Respectfully submitted by:

Edward Davis
Superintendent

REVIEWED:

PAUL BERNIER
CITY ATTORNEY

FUNDS ARE AVAILABLE:

MICHAEL T. SLATER
DIRECTOR of FINANCE

APPROVED FOR SUBMISSION:

MAUREEN MILLER BROSNAN
MAYOR

ED/amc

pc: City Clerk, Council, Law, Finance, Engineering, Planning, DPS, Parks & Recreation, File

tivity HEALTH | Live healthy. Live long.

Confidential

TIVITY HEALTH PARTNER LOCATION AGREEMENT

This Tivity Health Partner Location Agreement (this "**Agreement**") is between **TIVITY HEALTH SERVICES, LLC** ("**Tivity Health**"), and the "**Facility**" named below. This Agreement is effective as of the date of the signature by the Facility below ("**Effective Date**"). Facility desires that it and its other locations listed on **Exhibit A-1** be included as a member of Tivity Health's network of locations for the purposes of fitness memberships and/or offering Tivity Health's programs, and Tivity Health desires Facility to be a member of Tivity Health's network.

Facility. The undersigned Facility and any additional participating locations of Facility as mutually agreed to and set forth in **Exhibit A-1**, which have entered into this Agreement with Tivity Health to be part of its Tivity Health Network.

Facility Contact. Facility has designated the person named on **Exhibit A-2** as authorized to represent Facility in communicating with Tivity Health about this Agreement.

Pricing. Tivity Health will pay Facility the selected program fees in **Attachment A.**

Programs. Facility will offer each Tivity Health program marked in **Attachment A.**

Term. The term of this Agreement runs from the Effective Date through April 30, 2022 ("Initial Term") and thereafter will automatically renew for successive one (1) year terms from May 1 to April 30 ("Renewal Term"), provided that after the Initial Term, either party may terminate this Agreement upon 120 days' prior written notice of the expiration of the Renewal Term.

Terms & Conditions. This Agreement will be governed by the Standard Terms and Conditions attached hereto and incorporated by reference herein.

The Tivity Health materials on the Portal are incorporated by reference as an integral part of this Agreement.

This Agreement supersedes any prior agreements and represents the entire understanding and agreement between the parties regarding the subject matter of this Agreement.

Tivity Health and Facility each sign below to agree to be bound to the terms of this Agreement as of the Effective Date.

TIVITY HEALTH SERVICES, LLC	_____ Name of Facility
_____ Signature	_____ Signature
_____ Tivity Health Printed Name	_____ Printed Name
_____ Tivity Health Title	_____ Title
_____ Date	_____ Date

Signature: Jason Bergeron (Aug 11, 2020 18:45 CDT)

Email: jason.bergeron@tivityhealth.com

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ATTACHMENT A

Notices, Utilization Payment, Programs and Pricing

1. **Notices to Facility and Tivity Health.**

Facility Contact: Attached Exhibit A-2

Tivity Health Contact: Tivity Health PL Contracting Department
1445 South Spectrum Blvd.
Chandler, Arizona 85286
Phone: **(480) 444-5400**
Email: **PLContracting@tivityhealth.com**

2. **Facility Locations**. Attached Exhibit A-1

3. **Program Utilization Payment**.

a) Program Utilization Payment for Selected Tivity Health Programs. Tivity Health shall compensate Facility based on Program Member Visits, with a maximum cap payment per Program Participant per month. Program Visit shall mean one distinct occasion, recorded and reported by Facility in accordance with procedures specified in the Reference Guide, during which a Member enters Facility to enroll in or use the Program. Tivity Health shall not compensate Facility for more than one Program Visit per day. Program Participant shall mean a Member, who, after completing the Program enrollment, has used the Program at a facility in the Tivity Health Network at least once in a given month.

b) Payment Schedule. Payment shall be processed for direct deposit by Tivity Health by the last day of the month following the month in which Program Visits occurred ("following month"), provided Tivity Health receives Facility's monthly utilization data by the fifth (5th) day of the following month. In the event utilization data is not received in a timely manner, payment may be delayed. Payment for monthly utilization received after the last day of the following month will be denied for non-timely filing and will not be eligible for reimbursement or appeal. Appeals must be brought to the attention of Tivity Health within thirty (30) days of receipt of payment; appeals brought at a later date will not be eligible for review.

4. **Programs and Pricing**. A description of each Program appears on the Portal: https://fitness.tivityhealth.com

☒ SilverSneakers® Fitness Program Offering Basic Member Access
$2.50 per Member Visit up to $20.00 per Member per Month

STANDARD TERMS AND CONDITIONS

1. Definitions. All terms not defined herein will have the meanings given to them in the Partner Location Agreement between Tivity Health and Facility (the "**Agreement**").

a) "**Confidential Information**" means this Agreement, the identity of any Tivity Health customer, Participant information and information a recipient should reasonably understand to be confidential given the nature of such information, including, without limitation, any Tivity Health IP.

b) "**Sponsoring Organization**" means any organization, employer group, health plan or subset thereof that is contracted with Tivity Health to provide the Program to its members and whose members may therefore utilize Facility in accordance with the terms of this Agreement. Facility shall provide the Program to eligible Members of all Sponsoring Organizations. Sponsoring Organization information shall be available to Facility, and such Sponsoring Organization information shall be incorporated herein by reference.

c) "**Participant**" means a Sponsoring Organization member, employee, dependent or other person eligible for the Program, determined by the Participant verification process outlined in the Reference Guide.

d) "**Program**" means each Tivity Health program elected in the Agreement and as described on the Portal.

e) "**Reference Guide**" means the procedures and guidelines set forth on the Portal for participation in the Tivity Health network.

f) "**Tivity Health IP**" means any and all intellectual property associated with the Program and tangible embodiments thereof, including, without limitation: the Portal, the Reference Guide; Program descriptions, processes and know-how; Tivity Health content on the Portal; and all data regarding activity at the Facility, such as utilization reports.

2. Facility Responsibilities. In exchange for the compensation to be paid by Tivity Health, Facility shall perform the following services:

a) Program Implementation Process. To prepare for Program commencement, Facility agrees to participate in the following 1) coordination with Tivity Health of electronic reporting containing the required data elements; 2) Tivity Health-scheduled and led training; and 3) Tivity Health's evaluation of Facility to certify Facility's preparedness to provide Program (the date by which each of these has been completed, the Ready Date.")

b) Staffed Hours. Facility shall be appropriately staffed in accordance with professionally recognized standards of fitness programs a minimum of six (6) hours per day, Monday through Friday.

c) Program Enrollment. Facility shall enroll Participants in the Program in accordance with the protocol defined in the Reference Guide or other protocol mutually agreed between the Parties.

d) Reporting Obligations of Facility. Facility shall report Program utilization to Tivity Health on a monthly basis. Program utilization reporting shall consist of all 1) Program forms completed during the previous month as applicable; and 2) visits for the month. Facility shall prepare a report of daily visits and utilization from the month summarizing activity and containing the required data elements and submit it electronically to Tivity Health no later than the fifth (5^{th}) day of the following month. The required file format, data elements and submission options are defined in the Reference Guide. The Parties to this Agreement shall work cooperatively to establish correct and acceptable electronic monthly utilization data reporting; Tivity Health may provide technical support to Facility if necessary.

e) SilverSneakers® Program Advisor. Facility shall designate one staff member as the SilverSneakers Program Advisor, who shall serve as a liaison to Tivity Health and as a resource person for SilverSneakers Participants utilizing the Tivity Health Network and is knowledgeable concerning all services provided by Facility to Participants.

f) Guest Pass Program. Facility shall provide Program services to persons presenting a Tivity Health guest pass. Properly documented guest visits will be counted the same as a Participant visit for purposes of calculating Facility's compensation.

g) Reference Guide. Facility must comply with the Reference Guide to remain a part of Tivity Health's network.

h) Access to Program at No Charge. Facility will provide all Participants access to the Program at no charge to the Participants.

i) Tivity Health Network Reciprocity. Facility will ensure that all of Facility's locations listed in the Agreement allow access to all Participants.

j) Membership Conversion. Upon the Effective Date, Facility will inactivate any existing gym/facility membership relationship a Participant may have with

Facility, which inactivation will be for the duration of the Agreement. Facility will not collect any monthly dues, cancellation fees, or other fees during the inactivation period. Upon termination of the Agreement or the termination of a Participant's membership with a Tivity Health customer, Facility may re-activate that Participant's inactivated Facility membership.

k) Portal. Facility's participating locations will create and maintain user accounts on the web based Tivity Health Fitness Provider Portal. Facility shall utilize the Tivity Health Fitness Provider Portal to verify Participant eligibility and to obtain and access Tivity Health materials, including Sponsoring Organization information, training materials, Program forms, Program reports, and the Reference Guide.

l) Communications. Facility will coordinate all external communications through Tivity Health. Facility will immediately notify Tivity Health of all external inquiries regarding any Tivity Health Program, Tivity Health, or a Tivity Health customer.

m) Return of Materials. Facility will promptly return all Tivity Health Program materials upon termination of the Agreement or at Tivity Health's request.

n) Fraud, Waste and Abuse Training. Applicable Facility personnel will complete fraud, waste and abuse training as required by the Center for Medicare and Medicaid Services and provide confirmation of completion of same on the Portal.

o) Insurance. Facility will maintain commercially reasonable levels of general liability insurance in order to satisfy Facility's obligations to Tivity Health under this Agreement and as is reasonable and appropriate and industry-standard given Facility's business operations.

3. Use of Trademarks, Logos, and Copyrighted Materials. Each party grants the other a limited and non-exclusive right to use the other's trademarked or service-marked name, logo, identity, format, and materials solely for use for the purposes outlined in this Agreement (the "**Marks and Materials**"); provided, any use by Facility must be approved in advance and in writing by Tivity Health. Upon termination of the Agreement Facility will cease all use, advertising, marketing, and referencing of Tivity Health Marks and Materials. Nothing in the Agreement grants either party any right, title or interest in or to the Marks and Materials of the other party. All use by Facility of Tivity Health's Marks and Materials (including goodwill) will be for the sole benefit of Tivity Health.

4. Tivity Health IP. Tivity Health is the sole and exclusive owner of any and all Tivity Health IP, and nothing in the Agreement will alter Tivity Health's ownership rights in the Tivity Health IP whatsoever. Facility may not sell, license or otherwise transfer the Tivity Health IP.

5. Disagreements. If the parties have a disagreement, they will work in good faith to resolve it. Neither party will sue the other in front of a judge or jury; rather, all unresolved disagreements will be resolved exclusively by binding arbitration. Neither party will initiate, support, or otherwise participate in class action lawsuits, class-wide arbitrations, private attorney-general actions or the like against the other party.

6. Research Studies. Facility must seek prior written approval (which Tivity Health may decline in its sole discretion) from Tivity Health before undertaking any research or clinical study of Participants or Programs. Facility will provide study findings and results to Tivity Health prior to any publication or presentation of same. Tivity Health may withhold approvals hereunder in its sole discretion.

7. Compensation. Tivity Health will pay Facility the fees and rates set forth in the Agreement. Facility will be responsible to pay its own taxes on any payment received from Tivity Health.

8. Termination.

a. Early Termination. Notwithstanding any other provision of this Agreement, Tivity Health may terminate this Agreement at any time upon notice to Facility due to 1) closure of Facility, resulting in denial of Program services to Participants, without thirty (30) days' prior written notice to Tivity Health; 2) fraudulent Program utilization reporting by Facility; or 3) Tivity Health's reasonable determination that the health or safety of Participants may be in jeopardy if this Agreement is not terminated.

b. Bankruptcy. If at any time there is filed by or against a party to the Agreement a petition in bankruptcy or insolvency or for reorganization or for the appointment of a receiver, trustee, or conservator of all or a portion of the party's property, or if a party makes an assignment for the benefit of creditors, and if such action is not dismissed after 90 calendar days, the Agreement may be immediately terminated by the other party.

c. Material Breach. If either party breaches a material term or condition of the Agreement, the non-breaching party may terminate the Agreement on notice to the other party specifying the nature of the breach as long as the breach is not cured within 30 days after such notice.

d. Default. Tivity Health may at its sole discretion and without limiting its other remedies withhold payment

of any amounts otherwise due to Facility if Facility commits an act of fraud or commits a material breach of the Agreement.

e. Immediate Termination. Tivity Health may immediately terminate the Agreement upon notice to Facility in the event of (i) Facility closure; (ii) fraudulent reporting of Program utilization by Facility; (iii) Tivity Health's determination that a Participant's health or safety may be at risk; or (iv) Facility or any of its owners, employees, agents, or affiliates have been convicted of Medicare fraud or appear on any state or federal government exclusion list, including, without limitation, the System for Award Management or the Office of Inspector General's List of Excluded Individuals and Entities.

f. Termination for Convenience. Tivity Health may terminate the Agreement for convenience with 30 days prior written notice to Facility. In such case, Tivity Health shall have no further obligation or liability to Facility apart from the payment of fees owed.

9. Confidentiality. During the Term and at all times thereafter, Facility may not divulge to anyone or use in any way any Confidential Information. Notwithstanding the foregoing, Facility may disclose Confidential Information to the extent compelled by law to do so, including any compelled disclosure under any federal or state Freedom of Information Act, provided Facility provides Tivity Health with prior written notice of any such compelled disclosure (to the extent legally permitted), and allows Tivity Health an opportunity to review the Confidential Information and seek a protective order to prevent or limit any such disclosure.

10. Participant Contact. Facility agrees not to contact Participants during the Term of this Agreement regarding business matters of the Program, including, without limitation, switching health plans, disenrolling, enrolling with other health plans or similar entities, or contracting directly with Facility. Facility will not dissuade Participants from engaging in any Tivity Health Program. Notwithstanding the foregoing, Facility is allowed to send weekly emails to Participants about upcoming classes offered in connection with the Program.

11. Notices. All notices and other communications under this Agreement must be in writing, sent to the applicable contact listed in the Agreement, and will be deemed to have been duly given, made and received when sent by (a) electronic mail or (b) hand delivery, including by a recognized courier service.

12. Waiver of Claims. Unless caused by the gross negligence or intentional wrongdoing of Tivity Health, Tivity Health's customers, or any applicable government agency, Facility hereby waives and releases all claims (known and unknown) against Tivity Health, Tivity Health's customers, and applicable government agencies, and/or any of their respective officers, directors, shareholders, employees, affiliates or representatives (collectively, "**Tivity Health Affiliates**") sustained by Participants as a result of the Participant's engagement in the Program or any other activities undertaken in or sponsored by Facility.

13. Cooperation in Defense. Tivity Health and Facility agree that, to the extent permitted by law, they will cooperate with one another in the defense of any claim arising from any acts of their respective officers, shareholders, employees, or agents and will give one another written notice of any claims arising in relation to the Agreement.

14. Miscellaneous.

a. Compliance with Federal and State Rules and Regulations. Facility will comply with all applicable federal and state rules and regulations regarding services provided to Participants.

b. Business License and Regulatory Standards. Facility will hold an active and unrestricted business license as required by law and meet occupational health and safety requirements and regulatory standards in the state and jurisdiction in which Facility operates.

c. Severability. Should any provision of the Agreement be determined by any court of competent jurisdiction to be illegal, invalid or unenforceable in any respect, in whole or in part, the offending provisions will not affect the enforceability of the other provisions.

d. Amendment of Agreement to Comply with Law. Tivity Health may amend this Agreement to comply with applicable law upon 60 days' prior written notice to Facility, and Facility may terminate this Agreement during such period if the amendment would have a demonstrable material adverse effect on Facility.

e. Applicable Law. The Agreement is governed by the laws of the State of Michigan, without giving effect to its conflicts of law's provisions, and each party submits to the exclusive jurisdiction of the courts of the State of Michigan.

f. Sale of Business/Transfer of Assets. Facility will notify Tivity Health in writing at least 90 days before it sells or transfers all or substantially all of its assets or business.

g. Survival. Sections 12 through 14 will survive termination of the Agreement, regardless of the reason for termination.

EXHIBIT A-1

FACILITY INFORMATION

The information in the box below is intended for marketing purposes. Please confirm that it is accurate.

Facility Name: _____

Physical Address: _____

_____

Phone Number: _____

Web Site Address: _____

****To enable marketing of amenities and services are marketed, please designate your basic amenities below and all amenities upon initial log in to the Fitness Provider Portal.***

Amenity/Program	☒ Offered as part of basic membership at no additional cost to Members
Cardiovascular Equipment	
Group Exercise/Aerobics Area	
Hot Tub/Whirlpool	
Resistance Training Equipment	
Steam and/or Sauna	
Swimming Pool – Seasonal (not available throughout the year)	
Swimming Pool – Year-Round	

Fax: ( ) _____ ❒ Direct Fax ❒ Need to call first

General Email: _____

Who will be our primary location contact (Tivity Health Program Advisor)? This individual will be responsible for scheduling training, coordinating with our Provider Services Liaison, and will need access to member records.

Contact Person: _____

Contact Title: _____

Contact Phone: ( ) _____

Contact Fax: ( ) _____

Contact Email: _____

Mailing Address (if not the same as Physical Address):

Mailing Address: _____

_____

***Shipping Address (if not the same as Physical Address)*:**

Shipping Address: _____

_____

Staffed Hours of Operation

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open							
Closed							

Are Members able to access Facility during unstaffed hours? ❒ No ❒ Yes

What non-English languages does staff speak fluently? Please list:

_____

Please select one location type:

❒ Men and women
❒ Women only
❒ Men only

CONFIDENTIAL

EXHIBIT A-2

CONTRACT ADMINISTRATOR

Name: _____

Title: _____

Mailing Address: _____

Phone: (_____) _____

Fax: (_____) _____

Email: _____

The Contract Administrator shall receive legal correspondence regarding the Agreement, shall have access to payment information for all Facilities in Exhibit A-1 to this Agreement, and shall be responsible for setting up Tivity Health Fitness Provider Portal accounts for Facility staff.

Who should Tivity Health contact to coordinate the technical aspects of monthly utilization data reporting? This individual will need to have specific information about your location's reporting capabilities and be responsible for obtaining management approval for establishing a reporting method.

Name: _____

Phone: _____

Email: _____

PROGRAM DESCRIPTIONS

SilverSneakers® Fitness Program – Basic Participant Access Program Description:

In exchange for the compensation to be paid by Tivity Health, Facility shall offer the Program to Participants of the Sponsoring Organization as a fully subsidized program for Medicare, Group Retirees and Older Adults that includes a basic fitness membership, which may include other Tivity Health services, for Participants provided through a network of facilities; also included in the Program are all facets presented in the Terms and Conditions section of the Partner Location Agreement. Program brands include SilverSneakers® Fitness program, Tivity Health ACCESS, and other brand names for the Mature Market Fully Subsidized Program communicated to Facility by Tivity Health from time to time.

Confidential

Following discussion by Council, the following motion was made by Toy, supported by Bahr, and unanimously adopted, it was:

PARKS AND REC
Subject matter of the Silver Sneaker Membership program at the Jack E. Kirksey Recreation Center.
(Refer to Administration)

#19-21 RESOLVED, that upon the motion by Councilmember Laura Toy, seconded by Council Vice President Scott Bahr, at the Regular Meeting held January 25, 2021, the Council does hereby refer the subject matter of the Silver Sneaker Membership Program at the Jack E. Kirksey Recreation Center to the Administration for its report and recommendation.

AUDIENCE COMMUNICATION ITEM (Regular Meeting of January 25, 2021)

Motion by:	**Toy**
Seconded by:	**Bahr**
ROLL CALL:	
Ayes:	**McCullough, Donovic, Jolly, Toy, Bahr, White, McIntyre**
Nays:	**None**
Absent:	**None**

REPORT TO THE LIVONIA CITY COUNCIL

Parks and Recreation
January 29, 2021

MEETING DATE	PREPARED BY
February 22, 2021	Ann Cox, Program Supervisor,

AGENDA ITEM

ACCEPTANCE OF DONATIONS: Department of Parks and Recreation, re: of cash and gifts from various contributors to be used for the purposes as designated by donors.

BACKGROUND

The Department of Parks and Recreation has received the attached donations. In accordance with IRC Sec. 170 (c)(1), the City of Livonia is in receipt of these donations and will use them exclusively for public purposes. The City of Livonia has not furnished any benefits or provided services to be valued in consideration of these gifts.

RECOMMENDATION

We respectfully request that the Livonia City Council accept these donations.

FISCAL CONSIDERATION

The Department further requests that Council does hereby credit $22,600 to account 208-000-690-010, $150 to 211-000-674-216, $1786.50 to 270-000-690-010 and credit and appropriate $12,000 to 270-285-135.

ATTACHMENTS

1. Acceptance of Donations 2020 List

APPROVED BY

Ted Davis, CPRP, Directory of Parks — Date: January 29, 2021

Michael Slater, Finance Director — Date: February 01, 2021

Date: February 04, 2021

Maureen Miller Brosnan, Mayor

REPORT TO THE LIVONIA CITY COUNCIL

Parks and Recreation
January 29, 2021

MEETING DATE	PREPARED BY
February 22, 2021	Ann Cox, Program Supervisor,

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APPROVED BY

Ted Davis, CPRP, Directory of Parks — Date: January 29, 2021

Michael Slater, Finance Director — Date: February 01, 2021

Date: February 04, 2021

Maureen Miller Brosnan, Mayor

Donor	Cash Donations	Reason
MercyElite Sports Performance 13245 Newburgh, Livonia	$20,000	100 Days to Health
Corporate Dining 1645 W. Hamlin Rd, Rochester Hills, MI	$500	Indoor Triathlon
Lemongrass Spa Livonia, MI	$100	100 Days to Health
Livonia Community Foundation	$2,000	Holiday Parade
David & Denise Currin 33856 Fonville, Livonia, MI	$300	Greenmead
Dunstan Donigan 1804 E. Eleven Mile, Royal Oak	$500	Greenmead
Livonia Garden Club	$700	Greenmead
Erik C. Smith 31718 Carlisle Pkwy, Wayne, MI	$100	Greenmead
Hinburn Donation Box	$16	Greenmead
Kathy Gibson 35390 Lancashire, Livonia, MI	$30	Greenmead
Ana Bruni 130 Oxford Ct, Dearborn, MI	$75	Greenmead
Miscellaneous	$15.50	Greenmead
Linda Murray-Booy 186 Mastic Blvd., Mastic, NY	$50	Greenmead
National Active and Retired Federal Employees Association	$50	Senior Center
Sharon Samotis and Neal Kalish, 33164 Martin, Livonia, MI	$100	Senior Center
Friends for Development of Greenmead	$7,000	Stained glass windows for church
Livonia Community Foundation	$5,000	Greenmead restoration

Donor	In Kind Donations	Reason
Livonia Elk's Lodge 31117 Plymouth Rd., Livonia, MI	Use of lodge, approx.. $600 ($100/hr x 6 hrs.)	Daddy/Daughter Dance, Mother/Son Dance
Livonia Kiwanis	Postage Stamps, Approx. $125	Santa Letters
Nestle Water Nestle Water North America	Water	100 Days to Health,
Wolverine Sports & Conservation Club 27531 Grand River, Livonia, MI	volunteers, duct tape, Approx. $450	Cardboard Boat Races, Indoor Triathlons
Busch's Fresh Food Market 37083 Six Mile, Livonia, MI	Food/hot chocolate	Tree Lighting, Harvest Hike & Hunt
ABC Warehouse 30280 Plymouth, Livonia, MI	Cardboard	Cardboard Boat Race
Advanced Auto Parts 30200 Plymouth, Livonia, MI	Cardboard	Cardboard Boat Race
Auto Zone 31072 Five Mile, Livonia, MI	Cardboard	Cardboard Boat Race
Burger King 15378 Middlebelt, Livonia, MI	Cardboard	Cardboard Boat Race
McDonalds 3955 Six Mile, Northville, MI 19311 Farmington, Livonia, MI 11800 Middlebelt, Livonia, MI	Cardboard	Cardboard Boat Race
Menards 12701 Middlebelt, Livonia, MI	Cardboard	Cardboard Boat Race
Livonia Arts Commission 33000 Civic Center, Livonia, MI	Performance costs- $1000	Summer Concert Series
The WAY Church Livonia, MI	Volunteers, toys, baskets, giveaways, Approx. $400	Holiday Parade, Lunch with Santa

Donor	Raffle Items	Reason
Dick's Sporting Goods 44225 Twelve Mile, Novi, MI	$200 in gift certificates	100 Days to Health