

**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.

Councilmember Jolly led the meeting in the Pledge of Allegiance.

Councilmember Toy read a poem in memory of the Livonia residents, Angie Hillman and Henry Binder, who passed away in the last couple weeks.

Elected and appointed officials present: Mark Taormina, Director of Planning and Economic Development; Todd Zilincik, City Engineer; Paul Bernier, City Attorney; Susan Nash, City Clerk; Dave Heavener, Fire Chief; Brandie Isaacson, Director of Housing; Don Rohraff, Director of Public Works; Jacob Rushlow, Superintendent of Public Works; and Casey O'Neil, Director of Information Systems.

AUDIENCE COMMUNICATION None heard.

NEW BUSINESS

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 help 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	

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

Jack Engbretson was present to accept the reappointment.

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

Mr. Engbretson 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

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

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

6) REQUEST FOR APPROVAL OF COMMITMENT AND RESOLUTION FOR THE CITY OF LIVONIA TO JOIN AARP'S AGE-FRIENDLY COMMUNITIES 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 quality 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

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

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

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

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

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

AUDIENCE COMMUNICATION None heard

As there were no further questions or comments, President McIntyre adjourned the Study Session at 9:17 p.m. on Monday, February 8, 2021.

For the 1,915th Regular Meeting of February 22, 2021

DATED: February 11, 2021

SUSAN M. NASH, CITY CLERK