

MINUTES OF THE ONE THOUSAND NINE HUNDRED SEVENTEENTH**REGULAR MEETING OF MARCH 22, 2021**

On March 22, 2021, the above meeting was called to order via remote Zoom technology by President Kathleen McIntyre at 7:00 p.m. Councilmember Laura Toy led the meeting in the Pledge of Allegiance.

Roll was called with the following result: Laura Toy (Livonia, Michigan); Scott Bahr (Livonia, Michigan); Cathy White (Livonia, Michigan); Brandon McCullough (Livonia, Michigan); Rob Donovic (Deployed); Jim Jolly (Livonia, Michigan); and President Kathleen McIntyre (Livonia, Michigan). Absent: None.

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; Lynda Scheel, Treasurer; Don Rohraff, Director of Public Works; LaShawn Thomas, Director of Governmental Affairs; Curtis Caid, Chief of Police; Dave Heavener, Chief of Fire; Sara Kasprowicz, Manager of Council Office; and Casey O'Neil, Director of Information Systems.

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

#76-21 RESOLVED, that the minutes of the 1916th Regular Meeting of the Council held March 8, 2021 are approved as presented.

Vice President Bahr wished President McIntyre a Happy Birthday and thanked her for the work she does on behalf of Council.

President McIntyre announced the following birthdays: March 23rd, former Mayor Jack Engebretson; March 30th, Councilmember Cathy White; and on April 2nd, former Fire Chief Chad Whitehead.

She then announced there is New Data on Item Nos. 11, 15 and 18.

Cathy White, as Parliamentarian of Council, reviewed the rules of Audience Communication.

During Audience Communication Tom Evasic, 16267 Edgewood Drive, addressed Council about the Silver Sneakers program and the limitations on use for the Seniors.

On a motion by Toy, supported by Bahr, it was:

#77-21 RESOLVED, that having considered a communication from Hussein Zein, Zag Motors, 1265 Legacy Court, Canton, MI 48187, dated February 26, 2021, and a communication from Richard George, American Steel Automotive, 30805 Plymouth Road, Livonia, MI 48150, dated February 26, 2021, wherein a request is submitted to transfer the waiver use approval granted pursuant to Petition 2013-08-02-19 submitted by Keith Lang, which petition was approved by City Council on January 27, 2014, pursuant to Council Resolution 25-14, and in accordance with a transfer of waiver use approval which was approved by City Council on January 21, 2015, pursuant to CR 24-15, to operate a used auto dealership (Lang Auto Sales) with outdoor display of vehicles, located on the south side of Plymouth Road between Merriman Road and Milburn Avenue (30805 and 30835 Plymouth Road) in the Northwest 1/4 of Section 35, the Council does hereby approve of the request to transfer waiver use approval to operate a used auto dealership (Lang Auto Sales) with outdoor display of vehicles on property located on the south side of Plymouth Road between Merriman Road and Milburn Avenue (30805 and 30835 Plymouth Road) from Richard George, American Steel Automotive, 30805 Plymouth Road, Livonia, MI 48150 to the new owner, Hussein Zein, Zag Motors, 1265 Legacy Court, Canton, MI 48187, subject to the following conditions:

1. That the request for a transfer of waiver use approval by Hussein Zein, Zag Motors and Richard George, American Steel Automotive, in communications dated February 26, 2021, is hereby approved;
2. That all conditions imposed by Council Resolution 25-14 in connection with Petition 2013-08-02-19, which permitted the operation of a used auto dealership with outdoor display of vehicles, shall remain in effect to the extent that they are not in conflict with the foregoing condition; and
3. That condition #16 contained in Council Resolution 25-14 in connection with Petition 2013-08-02-19, be amended to reflect that the approval is contingent and becomes effective upon the execution of an agreement by the Petitioner that is satisfactory to the Law Department which provides that the waiver use is granted exclusively to Hussein Zein.

#78-21 RESOLVED, that having considered the report and recommendation of the Chief of Police, dated February 12, 2021, which bears the signatures of the Director of Finance and the City Attorney, and is approved for submission by the Mayor, the Council does hereby authorize the purchase of twelve (12) marked/semi-marked police vehicles and unmarked police vehicles utilizing the State of Michigan and Macomb County Consortium Bid Pricing, as follows:

Five (5) marked and semi-marked vehicles for the replacement of marked and semi-marked vehicles in a total amount not to exceed \$175,515.00, to be expended from funds already budgeted in Account No. 101-325-985-000;

Four (4) unmarked vehicles to be utilized by officers assigned to nonuniform assignments in a total amount not to exceed \$124,612.00, to be expended from funds already budgeted in Account No. 101-329-985-000; and

Three (3) unmarked vehicles to be utilized by officers assigned to nonuniform assignments in a total amount not to exceed \$80,595.00, to be expended from funds already budgeted in Account No. 101-302-985-000;

FURTHER, the Council does hereby determine to authorize the following vehicle purchase utilizing the Macomb County consortium bid pricing:

☐ Three (3) 2021 Ford Utility AWD Interceptors for a total amount not to exceed \$112,698.00 from Signature Ford, 1960 E. Main Street, Owosso, MI 48867;

FURTHER, the Council does hereby determine to authorize the following vehicle purchases utilizing the State of Michigan consortium bid pricing:

One (1) 2021 Dodge Durango Police Package AWD in an amount not to exceed \$34,724.00 from LaFontaine CDJR-Lansing, 6131 S. Pennsylvania Avenue, Lansing, MI 48911;

One (1) 2021 Dodge Charger Police Package AWD in an amount not to exceed \$28,093.00 from LaFontaine CDJR-Lansing, 6131 S. Pennsylvania Avenue, Lansing, MI 48911;

Three (3) 2021 Chevrolet Malibus for a total amount not to exceed \$81,405.00 from Berger Chevrolet, 2525 28th S.E., Grand Rapids, MI 49512;

One (1) 2021 Dodge Durango AWD in an amount not to exceed \$38,979.00 from LaFontaine CDJR-Lansing, 6131 S. Pennsylvania Avenue, Lansing, MI 48911;

Two (2) Chrysler Voyagers LX in a total amount not to exceed \$52,650.00 from LaFontaine CDJR-Lansing, 6131 S. Pennsylvania Avenue, Lansing, MI 48911;

One (1) 2021 Jeep Cherokee 4x4 in an amount not to exceed \$32,17.00 from LaFontaine CDJR-Lansing, 6131 S. Pennsylvania Avenue, Lansing, MI 48911;

FURTHER, the Council does hereby determine to authorize the said purchases without competitive bidding inasmuch as the same is based upon the low State of Michigan and Macomb County consortium bids and/or such action is taken in accordance with the provisions set forth in Section 3.04.140D4 of the Livonia Code of Ordinances, as amended.

#79-21 RESOLVED, that having considered the report and recommendation of the Chief of Police, dated February 12, 2021, which bears the signatures of the Director of Finance and the City Attorney, and is approved for submission by the Mayor, the Council does hereby accept the bid of Intrado Life & Safety Solutions, 11808 Miracle Hills Drive, Omaha, NE 68154, for providing all materials and performing all work required in connection with the installation and upgrade of the Viper 911 Intrado System for a total amount not to exceed \$144,196.00, which includes the 1st year maintenance/support and, in addition, Council approves the following schedule of maintenance/support fees for subsequent years:

Year 2 \$14,404.02
Year 3 \$14,484.94
Year 4 \$14,567.49
Year 5 \$14,651.64
Year 6 \$14,737.51
Year 7 \$14,825.08

FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$144,196.00 from funds already budgeted in Account No. 261-000-984-000 for the installation and upgrade and funds to be budgeted in Account No. 261-000-818-000 for the proposed maintenance/support agreement for years 2-7; FURTHER, the Council does hereby determine to authorize the said purchase without competitive bidding inasmuch as Intrado Life & Safety Solutions is a sole source provider for upgrading the Viper 911 Intrado System for the State of Michigan and no advantage to the City would result from competitive bidding, and such action is taken in accordance with the provisions set forth in Section 3.04.140.D.3 of the Livonia Code of Ordinances, as amended.

#80-21 RESOLVED, that having considered the report and recommendation of the Superintendent of Parks and Recreation, dated February 10, 2021, which bears the signature of the Director of Finance, and is approved for submission by the Mayor, the Council does hereby accept the bid of Future Fence Company, 23450 Regency Park Drive, Warren, MI 48089, for performing all work required in connection with the construction of outfield fencing for four (4) ball diamonds at Bicentennial Park in an amount not to exceed \$48,230.00, the same having been in fact the lowest bid received which meets all specifications; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$48,230.00 from funds already budgeted in Account No. 401-000-974-000 for this purpose; 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 Future Fence Company, and to do all things necessary or incidental to the full performance of this resolution.

#81-21 RESOLVED, that having considered the report and recommendation of the Superintendent of Parks and Recreation, dated February 22, 2021, which bears the signature of the Director of Finance, and is approved for submission by the Mayor, the Council does hereby accept the bid of Motor City Floors and Coatings, 46101 Grand River Avenue, Novi, MI 48374 for performing all work required in connection with the removal and replacement of the existing lap pool decking, gutters and drains at the Jack E. Kirksey Recreation Center, which are in poor condition and would allow the option to match the aesthetic in the leisure pool, for an amount not to exceed \$99,609.50; the same having been the sole bid received which meets all specifications; FURTHER, the Council does hereby authorize the expenditure of a sum not to exceed \$99,609.50 from funds already budgeted in Account No. 208-755-971-000 for this purpose; and the Mayor and City Clerk are hereby authorized to execute a contract, approved as to form and substance by the Department of Law, for and on behalf of the City of Livonia, with the aforesaid bidder and to do all things necessary or incidental to the full performance of this resolution.

#82-21 RESOLVED, that having considered the report and recommendation of the Superintendent of Parks and Recreation, dated February 22, 2021, which bears the signatures of the Director of Finance and the City Attorney, and is approved for submission by the Mayor, with regard to the development of a Greenmead Master Plan, the Council does hereby accept the bid of Wade Trim Associates, Inc., 500 Griswold Street, Suite 2500, Detroit, MI 48226, to provide services for the development of a Master Plan for the Greenmead Historical Park, based on the RFP response submitted by Wade Trim Associates, Inc. on January 5, 2021, in an amount not to exceed \$79,500.00, plus \$3,750.00 site survey, for a total amount not to exceed \$83,250.00; said bid being accepted as a result

of staff evaluating each proposal and a committee conducting interviews of the top four firms and Wade Trim providing examples of similar work, extensive public engagement in the master plan process, and the ability to provide a superior product for the future of Greenmead; FURTHER, the Council does hereby authorize an appropriation and expenditure in an amount not to exceed \$39,480.00 from the Unexpended Fund Balance of the Historical Trust Fund (270) and \$43,770.00 from the Capital Project Fund, Account No. 401-000-971-000, for this purpose; 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.

#83-21 RESOLVED, that having considered a communication from the Director of Public Works, dated February 19, 2021, which bears the signature of the Director of Finance and is approved for submission by the Mayor, requesting approval to participate in the Alliance of Rouge Communities (ARC) and for payment of the Annual Assessment for 2021, the Council does hereby approve the City of Livonia's participation in the Alliance of Rouge Communities (ARC) and for payment to the Alliance of Rouge Communities, 46036 Michigan Avenue, Suite 126, Canton, MI 48188, in the amount of \$36,296.00 for the City's annual ARC assessment for 2021; FURTHER, the Council does hereby authorize an expenditure in the amount of \$36,296.00 from funds already budgeted for the 2020-2021 budget year in Account No. 592-559-840-030 for this purpose.

#84-21 RESOLVED, that having considered a communication from the City Engineer, dated February 24, 2021, which bears the signatures of the Director of Finance and the Director of Public Works, and approved for submission by the Mayor, the Council does hereby authorize and accept the offer of Rotondo Construction Corp., 38807 Ann Arbor Road, Suite 2, Livonia, Michigan 48150, for completing all work required in connection with the 2021 Sidewalk Repair Program (Contract 21-G) by extending their Contract 20-G unit prices for Contract 21-G, with the exception of revised unit prices for bid items 1, 2, 3, 4, 8 and 9 (concrete sidewalk of various thickness of 4, 6 or 8-inches, along with 7-inch road pavement, and placement of 6-inch ADA ramps consisting of 4' x 2' or 5' x 2' inserts) 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 \$755,587.25, which includes a 10% administrative fee (\$68,689.75), the contract amount of \$686,897.50, and the saw cutting portion of the project (\$10,000.00), which will be handled by and paid to Precision Concrete, Inc., as set forth below; FURTHER, such action is taken without competitive bidding for the reasons that A) concrete material prices have risen rapidly and this bid largely protects the City from such increases; B) information from other

communities' bidding procedures indicates that these prices are favorable for the City, and C) the Rotondo firm won the City's competitive bids in 2006-2011 and again in 2013-2020, such that there are ample reasons to waive competitive bidding under Code of Ordinances Section 3.04.140D3; FURTHER, the Council does hereby authorize a payment in an amount not to exceed \$10,000.00 to Precision Concrete Inc., 1896 Goldeneye Drive, Holland, Michigan 49424 for the saw cutting portion of the contract and does hereby authorize an expenditure in an amount not to exceed \$10,000.00 from funds already budgeted in Account No. 204-441-977-010 for this purpose; FURTHER, the Council does hereby authorize an advance in the amount of \$182,179.92 (single lot assessments portion of the program) from the Road, Sidewalk and Tree Fund (204), provided 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 and assessments by affected property owners; FURTHER, the Council does hereby authorize an expenditure in the amount of \$12,500.00 from funds budgeted in Account No. 202-451-977-010 (Major Road – Distributed Sidewalk Cost) and \$92,407.33 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 \$18,500.00 from the Unexpended Fund Balance of the Water and Sewer Fund for sidewalk work adjacent to and including water and sewer structure repairs; FURTHER, the Council does hereby authorize an expenditure in the amount of \$450,000.00 to repair sidewalks heaved by tree roots from funds budgeted in the Road, Sidewalk and Tree Fund (Account No. 204-441-977-010 Distributed Sidewalk Cost) for the 2021 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 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.

#85-21 RESOLVED, that having considered a communication from the City Planning Commission, dated February 26, 2021, which is approved for submission by the Mayor, and which transmits its resolution 02-04-2021, adopted on February 23, 2021, with regard to Petition 2021-01-03-01 submitted by Anderson, Eckstein & Westrick, Inc., on behalf of Botsford General Hospital, to determine whether or not to vacate an existing public utility easement at 39000 Seven Mile Road, located on the north side of Seven Mile Road between the I-275/96 Expressway and Haggerty Road in the Southwest ¼ of Section 6, the Council does hereby concur in the recommendation of the City Planning Commission and does grant and approve the said Petition 2021-01-03-01; and the Department of Law is

hereby requested to prepare the necessary vacating ordinance in accordance with this resolution.

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

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

NAYS: None

The President declared the resolutions adopted.

Councilmember Laura Toy, as Chair of the Public Safety, Health & Environment Committee, reported out on the meeting of February 24, 2021.

- a. CR 23-21 Subject matter of sustainability in the City at an upcoming Public Safety, Health and Environment Committee meeting for its report and recommendation.

This item will remain in Committee.

- b. CR 42-20 Subject matter of urban environment concerns to the Public Safety, Health and Environment Committee for its report and recommendation.

This item will remain in Committee.

A communication received from Daniel Wiita Livingston, dated March 9, 2021, re: property located at 33956 Sleepy Hollow, was received and placed on file for the information of the Council.

A communication received from Brian Masters, dated March 8, 2021, re: property located at 20029 Antago, was received and placed on file for the information of the Council.

On a motion by Bahr, supported by Toy, it was:

#86-21 RESOLVED, that upon the motion by Council Vice President Scott Bahr, seconded by Councilmember Laura Toy, at the Regular Meeting held March 22, 2021, with respect to the proposed amendment to Ordinance Section 4.02 of Article IV of Ordinance 543, the Council does hereby request that Subsection (k)(1) of the proposed amendment to

Section 4.02 of Article IV of Ordinance 543 in regard to short term rental dwelling use be removed from the proposed ordinance amendment.

He said Council has three ordinance changes before them this evening, and this one has quite a bit of history to it, very briefly for those watching because this has gotten some attention lately, we first took this up in 2019. It was primarily a group of neighbors around an area where they were having some issues with one of these short term rentals, an air bnb, or something like that. We had a lot of discussion back then, there's been a number of committee meetings on this. I won't go into all of the details but it ultimately took us to a point where about a year ago that we had some ordinance language that we all worked hours on and was ready to go but then Covid hit and we made the decision at that time because this had had so much time put into it let's wait until we're back in person before we take this up. Of course at that time we had idea that more than twelve months later we'd still be doing virtual and it literally at least from my perspective it fell off the radar and some recent events put it back on our radar and so we were able to dust off that language from a year ago and that's what brings us to it tonight. It was instructive for me to spend time reviewing that language and to refresh my memory of this issue, and in brief, what we're looking to do here is up to this point obviously we have this relatively new business model of short term rentals, whether that be air bnb or VRBO or other similar types of services. That didn't exist when our ordinances were written. And the place that those types of uses currently fall in our ordinances as written today, they get defined as a bed and breakfast. The ordinances that we put on a bed and breakfast essentially outlaw these types of uses in our community. Now I know for some residents that would be a desirable outcome. But as we talk through this on one hand I share the concern for the integrity of our neighborhoods and not wanting our neighborhoods to become basically unregulated hotels. We're not a vacation community so I don't see that potentially being a widespread problem but it is a legitimate concern but it is a legitimate concern. But on the other side of that we've got the issue of personal property rights and people making sure that we don't overly infringe on people's ability to do with their property what they would like. So finding a balance with that isn't necessarily easy and is why we've spent so much time on this. The ordinance language that we have before us tonight essentially does this: first and foremost, it accomplishes our objective of separating short term rentals from that bed and breakfast definition. So, that's number one. The other thing that it does and I think this is what is of primary concern to the residents who have been personally concerned about this based on what's on in their neighborhood, is that it brings a level of oversight to these short term rentals that didn't previously exist. And to put that simply it basically treats short term rentals from a licensing perspective, very similar to long term rentals. Where they would have certain requirements just like our long term rentals to have the home up to Code, they'd have certain requirements they have to meet and they'd be subject to inspections. That, too, I think is a good thing. And I think that hits the core of what we were trying to do with bringing some accountability to these things. But then in our discussion we ended up breaking out one more subcategory that our Law Department has dubbed "limited short

term rentals” and with this proposed ordinance language, what that does is it defines another category of short term rental that basically is if you’re renting out any portion of your house for twelve days per year or less. And that, we’re exempting those situations from the licensing requirement. They would still be required to keep a registry of who stays with them, but they’re not subject to a licensing requirement. And that’s just simply to make sure that we’re not getting overly laborious with someone. I’ll just make up a situation. You’ve got a college friend that is passing through and wants to crash at your house for four days and wants to compensate you for it as he’s going somewhere else. I just totally made that up. But we don’t need to get into the micromanaging to the extent that we’re covering that kind of thing. But when someone is habitually renting out their house, that’s what they want it to cover. So I think this ordinance does all that really well. But my concern is, when I consider an ordinance, and my fellow Council members have heard me say this in the past, there’s really two things and then one that’s unique to this one that I look for. The one that’s unique to this one as I already said is to balance neighborhood integrity with property rights. But the two other principles that I think we always need to keep in mind, is number one, I don’t believe we should be passing ordinances that are more intrusive than necessary to accomplish what we’re trying to do. And number two, we need to make sure that they’re enforced. And the one clause as I reviewed this this past weekend coming into tonight, there’s one clause, and this is in Ordinance 543, Section 4.02, so that’s one of the three ordinance changes we had talked about tonight. And I’ll read you verbatim what it says. It says speaking of short term rentals, such establishments shall be run by persons who own and occupy the premises for residential purposes. I’ll admit that at the outset I can see the desire for something like that but as I consider the different scenarios with this, but as I consider the different scenarios with this, number one, from a legal perspective I think it’s more intrusive than necessary and I think it’s difficult to enforce. Number two, from a practical perspective as you play out the scenarios in which this might apply I actually question how often, if ever, it would even come into play. And so what I would like to propose for us tonight is that we take the ordinance language exactly as has been proposed to us, but minus that clause. The end effect of this is as I said it does separate short term rentals from bed and breakfast, it now treats short term rentals consistent with long term rentals which is what we set out to do, it still allows reasonable freedom for property owners and it still introduces what I think is a reasonable barrier for someone just flippantly trying to enter into this business with no regard to the neighbors. And most importantly, when we look at the two situations that we dealt with over the last twelve to fifteen months on Flamingo Street and Antago Street, both of those situations would be addressed exactly as we had intended at the outset with doing this. So, for all those reasons I tried as best I could to weigh that out in an orderly fashion so it was understandable. But that’s what my proposal would be tonight is that I would love to take this up as first reading tonight but minus that clause.

Councilmember Jolly said I agree with Mr. Bahr in terms of the positives that would be accomplished by this such as treating short term rentals as long term

rentals. This would initiate a registry to be kept by the property owner or the renter so that we could figure out who was in fact staying at these properties if we had to from a law enforcement or a legal perspective. Bottom line is though going into this, I was concerned that our neighborhoods will be treated as potentially having short term hotels operating on some level. I was to some degree okay with someone doing that if they were an owner/occupier and they were on site to an extent managing and overseeing what was going on with their property. I do have very significant concerns; I don't think people should be living in our residential areas if they do not intend to make the commitment even as long as thirty days to do such. We have zoned areas of property throughout the City for commercial, we have zoned areas for residential. It is my deep felt perspective that if you buy into a residential neighborhood to raise your family, to live as a single person or in any other way in a home, whether through buying it or renting it, to a lease, you should have the expectation that you will be living in a residential area with other people who have made some sort of commitment to that community and to that neighborhood. I do not believe I can support the amendment that Mr. Bahr has put forward and ultimately I do not believe I can support this ordinance at all because quite frankly it doesn't go far enough. We have the ability under Home Rules to regulate for the time being. How houses are used in this particular capacity. There will come a date, probably in the near future in the next year or two years, if not, a little ways after that, where the State is probably is going to pre-empt us and take away the ability we have to regulate or qualify this area of discussion at all. For the time being while we have the ability to do so, I think we should wholeheartedly ban short term rentals. We are talking about a couple people here who sometimes have had great experiences and they've told us during our committee meetings, they share very positive stories. Those were largely people who lived on site at the property and we can have nice engaging conversations and such. And I feel bad for the gentleman and the people who expressed that interest and that desire to keep doing that. But it's just simply not fair for the people who live in communities, who bought in a residential neighborhood, and if we're going to talk about private property rights, private property rights extend to the people who live around you as well, to enjoy their property with what they signed up to enjoy it for. So, from this perspective I respectfully disagree with the direction that this conversation has gone, while it seems like the longer we did this, the longer we discussed about it, it became less and less about regulating and protecting our neighborhoods and more and more about actually carving out and sanctioning this type of activity. So, to those people who are listening who have an interest in this, I'm going to be voting against this because I want to ban this and I want to leave our neighborhoods as we should be using them as residential. And if it is through buying a house or renting a house, if you can't make a 30-day commitment to leave the property in Livonia, you shouldn't be living in a residential neighborhood in Livonia. Period. Councilmember Donovic stated I believe that the proposal with the revision Councilman Bahr suggested is a balanced approach to help the City preserve the peace and tranquility in residential neighborhoods and to help create as much a peaceful environment while also protecting the private property rights of residential homeowners who choose to rent their home, whether it be air bnb or

long term. The reality is people rent their homes. They've done it for decades. I don't necessarily want to say, respectfully, if you can ban a residential private property from renting their home. So to me the most common thing is to figure how we can create those guidelines and rules to protect our neighborhoods, while also protecting the individual homeowner.

Councilmember Toy stated because I don't have certain things in front of me at the moment, Mr. Bernier, as I recall this pre-Covid, did we have any type of fines or, I don't even know how to describe it, suspensions, whatever, I mean short terms, so that if someone is in there like we had the case on Flamingo, the police were called several times on that, do we have any handle on that at all in our verbiage here? Not only what Scott is offering but the others that we were trying to adapt before Covid hit. I can't remember, to tell you the truth.

City Attorney Bernier replied currently everything that we have in our ordinances that pertain to it, any violation is a misdemeanor criminal offense, 90-day misdemeanor. In my opinion, every air bnb operating right now in the City of Livonia is in violation of our ordinance. Every single one of them. Because they are bed and breakfasts. Because of this process we've been going through obviously and as we look, it's never been enforced because nobody knew which way Council was going to go with this or not go with this. And nothing's ever happened. And in my opinion, every one of these businesses currently is operating as an illegal bed and breakfast. Every one of them should be licensed. Every one should be inspected. Every one of them should go through the process. It hasn't happened, however, because we started that before and then this crept up and it kind of stopped everything. We started going on the problem and investigating it, and then when Council wanted to regulate it, it kind of put everything – it paused everything, any kind of an enforcement. The history of this, the way it started Council requested of the Law Department an ordinance to regulate the bnb. If Council wants me to, I know it's been a while, but I'd be happy to give what I remember is the history of this. We proposed an ordinance. We proposed partially with the Code of Ordinances that come to Council first, and part of it was the Zoning Ordinance that has to go both to Council and through the Planning Commission. The Planning Commission took a look at the ordinances and they pretty much agreed with, and the plan that we had the Law Department did, was pretty much of a regulatory process. It put in quite a few restrictions that aren't in that Code. The Planning Commission agreed with most of what the Law Department recommended and they had a few tweaks to it themselves. And they went back to Council, of course there was a Public Hearing on it for the Planning Commission, came back to Council, Council had Committee of the Whole Meetings, we had other meetings on it, we had Public Hearings on it. When Council originally wanted to go with what the Law Department had but then changed and reduced it down to what we have today. The idea of the limited short term versus a regular short term was not an idea of the Law Department. That came from Council, wanting to draw the distinction between twelve days and less and above that. The way this is currently drafted at Council's direction is that we have twelve days and less, this is basically very

little regulation at all. Nor it really doesn't require a registry so we know who was causing problems. That's all it does. And then between thirteen and thirty days, then we kick into having to have it inspected and licensed and they also have to keep a registry. So, there's a little bit more between the thirteenth and the thirtieth day. And anything here in thirty days must go through the regular rental program we've always had in Livonia. So that's where we are now.

Vice President Bahr said I appreciate Mr. Jolly respectfully expressing his opinion and I can always appreciate respectful disagreement and there were a lot of things he said I didn't necessarily disagree, there were a few that I did. But I won't allow him to put words in my mouth. There is no sanctioning of short term rentals going on here. There is no carving out short term rental districts, I just want to make that absolutely clear. What this is is balancing the neighborhood integrity with the personal property rights of property owners, which is the property owner's right. I want to just point out as well is what this does, and by the way the twelve day thing, I'll own that, that was my suggestion to put that in and the Council generally approved it, I say generally just because it was in a committee meeting, it wasn't an official vote, but that's what led to the language that we have before us. We had a pretty open discussion about that. The number twelve was, I'm going to tell you the extent of the science behind twelve, is we were trying to figure out as a group what the appropriate number was to distinguish those one off situations from a consistent situation. I suggested twelve just because it corresponds to one day a month and that seemed reasonable to me and nobody seemed to have an idea that sounded better than that. That's where that came from. And I do think that's a good carve out. But anything beyond that, essentially what we're doing here is treating short term rentals like we treat long term rentals. They're subject to inspection. And so if we're going to take Mr. Jolly's rationale exactly as he said it, essentially what I heard him say is that there's no place for long term rentals in our neighborhood. Now, we may have issue with a rental property, I've lived near rental properties, and it's not the ideal for anyone, but I'm also not prepared to say that we're not going to allow people to rent property in the City. The last point I want to make is that by removing this clause, when it goes to the limited short term rental which is the shortest term we're talking, as far as I'm concerned it's a moot point. Because there is not a single person that is going to invest in a rental property for the purpose of renting it out for twelve days or less, who doesn't live there. So that clause is entirely unnecessary for that purpose. And as I already said, what we're doing is treating now short term rental, subjecting them to inspection just like long term rentals. So, for clarity's sake I'll just restate again, what I'm proposing is the exact language that we had tonight, minus the one clause in Section 4.02 or Ordinance 543, which says exactly this "Such establishments shall be run by persons who own and occupy the premises for residential purposes." I'm asking that we strike that and move forward with the rest of it without that. In the future, there's nothing that keeps us from revisiting it, if we feel we've made a mistake, I don't think that will be the case, but I'd prefer a more conservative approach to this that looks at the rights of everybody involved versus taking a myopic approach to this.

Councilmember Jolly said I think I was quite explicit in saying that somebody should be making a commitment to living in a residential neighborhood to a lease of thirty days or more which would indicate I do support long term rentals in the City. The Ordinance currently defines a long term rental as something thirty days or more and I think that goes without saying that that would be appropriate as it's always been appropriate in the City, it's always been done. The whole purpose is to have somebody making some sort of commitment to the residential area that they'd be living in. There is a difference that somebody brings to the table when they buy or rent, and I said that explicitly several times, a house and makes a commitment to a neighborhood and to being there and for caring for it and having neighbors and having relationships that come out of that kind of situation. It's the short term rental where you potentially have somebody who did make that commitment to live in a residential area but the person next door who owns a house decidedly differently, that they would be living next potentially a hotel. I'll just address the last thing here, I never put any words in Mr. Bahr's mouth from my perspective. Right now we heard from our Law Department who's under the impression that these things are operating illegally per our ordinances, and they will not be operating illegally if this ordinance were to change. So, to me that is opening up a sanctioning of it, what extent you want to say, that's fine, but that's my perspective and this is my characterization of what's going on. Again, renting in the City always has been and should have been expected, to be honest with you. People understand that if they buy in a residential neighborhood, if they rent in a residential neighborhood, there may be people who have bought homes and who are currently homes, that's kind of expected. It's not expected to have a flow of people coming and going who do not normally come to a residential area. So, that's where we are.

Councilmember Toy said a lot of if/comes on this one. All I can say is we're living in a whole different time than we did back in some of these ordinances that Mr. Bernier said were in place but yet, we're not following them. That disturbs me a bit that we don't have various places licensed. That really troubles me because we have had at least two instances that have not been very pleasant for the neighbors and for those people renting short term, long term, what in the heck they're doing, we don't really know. And that troubles me as well. So I know Mr. Bahr is trying to clean it up, I know you are in good faith, and then all straightforwardness that you can do. I think the thing that troubles me at this point is we need to move on this, I get it, but I also think we need to move safely on it. There's just too much going on in this world right now. Not only because of the virus but because of a lot of other things that area very prevalent in our society and yet they happen right here in Livonia. So I really caution us to get these places licensed and get them inspected before we start allowing them to come hither and hoe with whoever is visiting or not visiting. I live on a large piece of property, but I'll be darned if I want somebody next to me, you know, having people coming in and out. And whether that is bad behavior, good behavior, or whatever kind of behavior, I think you need to know who's there and who's doing those kinds of things. Just like we have a registry for predators, we have a registry for people that have other kinds of things in our society, I really think we

need that to be safe. And I fall on the safety part of it, Madam President, at least in my mind. And maybe misunderstanding things right now, but that's kind of where I am coming from.

President McIntyre passed the gavel to Vice President Bahr at 7:55 p.m.

She stated I, too, have a lot of concerns and have listened in outrage with the things that have gone on on Flamingo and the other street, Antago, just been outraged by what's gone on. We have spent a great deal of time on this. I don't like – I've never stayed in an air bnb, so I'm not all bought into this, to the concept, I differ from my kids and every other person under the age of probably 45 who stays in air bnb's all the time all over the world. So it's not a real comfortable concept for me. With that said, it's out there. And one of the things that we can stop in our hours of meetings before was by not, my saying and Mr. Bernier's point, right these are illegal, they're going on all over the City. And the only way then to enforce this is to dedicate a person to comb through all of the air bnb's, all the other listings every day and find the rooms that are being offered, or the houses that are being offered and go and shut them down. We don't have the resources for that. We don't have the resources to do that kind of work and for what end. So, I like the idea of moving forward the way that we define this. Because we will have a registration and I think it's much easier, I think it's much easier if we have a remedy when neighbors call and say this is going on next to me. If the rental is not compliant with our ordinance, it can immediately be shut down. And for those that are operating if there's an isolated problem, we have a means of going back and finding the information and finding the bad actors. I would much rather regulate this in a way that we know who these people are and we have a remedy and just saying they're illegal and we're not going to have them when we know they're there. So I will be voting yes on this with the belief that there's probably room for improvement as we move forward, the ordinance can be tweaked, I think this is an excellent start and we got here after hours and hours and hours of not just discussion among ourselves, and not just hearing from the dozens of people that came to the meeting, but the conversations that many of us have had privately with homeowners on both sides of this issue. So I do not think that we should be looking to be a city of short term rentals, but we know short term rentals are here whether we like it or not. And you know someone said to us in one of the early meetings, we're very unhappy that you've opened the door to this. Well, you know, we didn't open the door to this, and I'm not being snide or sarcastic here, the internet opened the door to this. So, it's here, we can't put it back, we can't pretend like it's not happening. So I will be supporting this because I do think it's the right step, it's the first step in the right direction to get this under control and provide a remedy for bad behavior and provide a remedy for people who are living next door to unlicensed short term hotels.

Vice President Bahr asked if there were any other comments from Council and Councilmember Toy said if I'm not mistaken, and again, I'm trying to go through the cobwebs of my mind here, with regard to about a year and a half ago when,

it could be more current, I should check into it real quick, but there is a state proposal for the realtors that they want, I know that because I studied it and it's been a while. But that is in I believe a committee in the Senate, I think it's maybe through the House, but I'm not positive, and I think it's in the Senate. So it's going to be hopefully I guess after the pond, so this may supersede us in the long run and cure this whole thing. So maybe that we've let time lapse, you know, not that we don't want to make a decision, I don't mean it that way, but State law would supersede us if indeed it's there. So I know it's there, I'm not sure if this is a rush to judgment in that regard, and again, I'm not condoning it, I'm just saying so we wait and investigate this more and have our feet on even ground before we act on it? I don't know what the more responsible thing to do is in this regard nor if in fact we are responsible. I hear what our Council President said, very good words, yet I want to be safe in this community. Again, it's a changed world, everyone. If you see some of the kinds of things that I deal with in my other profession, you would be appalled at what's going on, and again, it happens here in Livonia.

Councilmember McCullough said a lot of this has been in committee for years, I know this was a topic even before I came on the Council and Councilmember Donovic. I do agree with Vice President on this one, that especially from a private property perspective, and getting something on the books, whether we can go forward and craft and tweak something down the line. But again, we're not, you know as we've heard, there's nothing being enforced, there's nothing that's out there. I think that if the State has something going on and if it does act prior to us doing even a second read, which would potentially be coming up in a couple meetings, I think just having something that is an ordinance would be wise going forward. You know if we start punting this, this could drag on for who knows how long. So I will be in support and going forward.

Vice President Bahr opened the floor for comments from the Audience.

The following residents spoke on this topic:

Deandra Foisy, 18914 Flamingo; Elaine Yates; Marilyn Smith, 18978 Flamingo; Bree Bateman, 20019 Antago

President McIntyre read the letters received as New Data into the record. She then commented on the importance of the ordinance and the restrictions it would put in place and further discussion was held.

Councilmember Toy stated House Bill 4046 has not been reintroduced this session, it was last session, so there's nothing on the table. So, if we're going to do anything, as has been pointed out, the State right now, whether it's either chambers, the House or the Senate, has not taken up that bill at all which would take at least four to six months for anything to go before. So it does behoove us to begin to do some things about these things if indeed the legislature isn't going

to come in and supersede us. That may happen down the road, but in order to get some relief somewhere and it's been pointed out the safety factor, I think we've really got to take a hard look at this.

Councilmember White stated since it's very unclear when, if ever, the State will act, I agree with the idea of putting restrictions in place on these so that we do have some kind of handle on it. And I don't think it's opening the door wide to something that is going to be negative to our community. I think it's better that we have a handle on it by putting restrictions in place.

Following discussion by Council and audience members a roll call vote was taken on the foregoing resolution with the following result:

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

NAYS: Jolly

The Vice President declared the resolution adopted.

President McIntyre resumed the gavel at 8:20 p.m.

Councilmember Donovic gave first reading to the following Ordinance:

AN ORDINANCE AMENDING SECTIONS 010, 011 AND 020 OF TITLE 5, CHAPTER 42 (HOTELS, MOTOR COURTS, LODGING HOUSES, ROOMING HOUSES, ONE-FAMILY RENTAL DWELLINGS, TWO-FAMILY RENTAL DWELLINGS AND MULTIPLE-FAMILY RENTAL DWELLINGS) OF THE LIVONIA CODE OF ORDINANCES, AS AMENDED.

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

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

Councilmember Donovic gave first reading to the following Ordinance:

AN ORDINANCE AMENDING SUBSECTIONS (16) THROUGH (34) OF SECTION 2.10 OF ARTICLE II OF ORDINANCE NO. 543, AS AMENDED, KNOWN AND CITED AS "THE CITY OF LIVONIA ZONING ORDINANCE."

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

Councilmember Donovic gave first reading to the following Ordinance:

AN ORDINANCE AMENDING SECTION 4.02 OF ARTICLE IV OF ORDINANCE NO. 543, AS AMENDED, KNOWN AND CITED AS "THE CITY OF LIVONIA ZONING ORDINANCE."

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

Councilmember White gave first reading to the following Ordinance:

AN ORDINANCE AMENDING SECTION 11 OF THE ZONING MAP OF THE CITY OF LIVONIA AND AMENDING ARTICLE III OF ORDINANCE NO. 543, AS AMENDED, KNOWN AND CITED AS "THE CITY OF LIVONIA ZONING ORDINANCE" BY ADDING SECTION 3. _____THERE TO. (Petition 2020-12-01-07)

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

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

AN ORDINANCE AMENDING SECTIONS 050 AND 060 OF TITLE 13, CHAPTER 20 (LIVONIA SEWAGE DISPOSAL SYSTEM) OF THE LIVONIA CODE OF ORDINANCES, AS AMENDED.

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

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

NAYS: None

The President declared the foregoing Ordinance duly adopted, and would become effective on publication.

Vice President Bahr took from the table for second reading and adoption, the following Ordinance:

AN ORDINANCE AMENDING SECTION 14 OF THE ZONING MAP OF THE CITY OF LIVONIA AND AMENDING ARTICLE III OF ORDINANCE NO. 543, AS AMENDED, KNOWN AND CITED AS "THE CITY OF LIVONIA ZONING ORDINANCE" BY ADDING SECTION 3._____ THERETO. (Petition 2020-07-01-03)

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

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

NAYS: None

The President declared the foregoing Ordinance duly adopted, and would become effective on publication.

A Site Cross Section sheet, dated July 13, 2020, prepared by Angle Design & Engineering, LLC, re: Petition 2020-11-08-06, was received and placed on file for the information of the Council.

On a motion by Bahr, supported by Toy, it was;

RESOLVED, that having considered a communication from the City Planning Commission, dated February 25, 2021, which transmits its resolution #02-05-2021, adopted on February 23, 2021, with regard to Petition 2020-11-08-06 submitted by Leo Soave Building Company, Inc., to develop a site condominium (Roma Court) consisting of thirty-two (32) single-family homes on the property located on the south side of Lyndon Avenue between Newburgh and Hix Roads (37855 Lyndon Avenue, former Webster Elementary School site) in the Southeast ¼ of Section 19,

the Council does hereby concur in the recommendation of the Planning Commission and Petition 2020-11-08-06 is hereby approved and granted, subject to the following conditions:

1. That the Site Plan identified as Drawing No. CS-100 dated November 19, 2020, prepared by Angle Design & Engineering L.L.C., is hereby approved and shall be adhered to;
2. That the Landscape Plan identified as LP-1 and the Landscape Notes & Details identified as LP-2, both dated November 13, 2020, prepared by Nagy Devlin Land Design, are hereby approved and shall be adhered to;
3. That the condominium Master Deed and Bylaws comply with the requirements of the Subdivision Control Ordinance, Title 16, Chapter 16.04-16.40 of the Livonia Code of Ordinance, and Article XX, Section 20.01-20.06 of Zoning Ordinance #543;
4. That the Master Deed and Bylaws shall include language in the building and use restrictions that requires the homes on Lots 24 thru 30, located along the west side of the cul-de-sac street identified on the plans as Roma Court, shall be a maximum of one story in height;
5. That the brick used in the construction of each condominium unit shall be full face four-inch (4") brick;
6. In the event of a conflict between the provisions set forth in the Master Deed and Bylaws, and the requirements set forth in the City of Livonia Zoning Ordinance No. 543, as amended, the Zoning Ordinance requirements shall prevail, and petitioner shall comply with the Zoning Ordinance requirements;
7. That only a conforming entrance marker is approved with this petition, and any additional signage shall be separately submitted for review and approval by the Zoning Board of Appeals;
8. That the petitioner shall include language in the Master Deed and bylaws or a separate recordable instrument wherein the condominium association shall reimburse the City of Livonia for any maintenance or repair costs incurred for the storm water detention/retention and outlet facilities, and giving the City of Livonia the right to impose liens on each lot owner's property pro rata and place said charges on their real estate tax bills in the event said charges are not paid by the condominium association (or each lot owner) within thirty (30) days of billing for the City of Livonia;

9. That all required cash deposits, certified checks, irrevocable bank letters of credit and/or surety bonds which shall be established by the City Engineer pursuant to Article XVIII of Ordinance No. 543, Section 18.66 of the ordinance, shall be deposited with the City prior to the issuance of engineering permits for this site condominium development; and

10. Pursuant to Section 19.10 of Ordinance #543, the Zoning Ordinance of the City of Livonia, this approval is valid for a period of one year only from the date of approval by City Council, and unless a building permit is obtained, this approval shall be null and void at the expiration of said period.

Following discussion by Council, the Petitioner, City Engineer Zilincik, Director Taormina, a Friendly Amendment was made to the motion by Bahr, supported by Toy, eliminating Condition No. 4, with the following result:

#87-21 RESOLVED, that having considered a communication from the City Planning Commission, dated February 25, 2021, which transmits its resolution #02-05-2021, adopted on February 23, 2021, with regard to Petition 2020-11-08-06 submitted by Leo Soave Building Company, Inc., to develop a site condominium (Roma Court) consisting of thirty-two (32) single-family homes on the property located on the south side of Lyndon Avenue between Newburgh and Hix Roads (37855 Lyndon Avenue, former Webster Elementary School site) in the Southeast ¼ of Section 19, the Council does hereby concur in the recommendation of the Planning Commission and Petition 2020-11-08-06 is hereby approved and granted, subject to the following conditions:

1. That the Site Plan identified as Drawing No. CS-100 dated November 19, 2020, prepared by Angle Design & Engineering L.L.C., is hereby approved and shall be adhered to;

2. That the Landscape Plan identified as LP-1 and the Landscape Notes & Details identified as LP-2, both dated November 13, 2020, prepared by Nagy Devlin Land Design, are hereby approved and shall be adhered to;

3. That the condominium Master Deed and Bylaws comply with the requirements of the Subdivision Control Ordinance, Title 16, Chapter 16.04-16.40 of the Livonia Code of Ordinance, and Article XX, Section 20.01-20.06 of Zoning Ordinance #543;

4. That the brick used in the construction of each condominium unit shall be full face four-inch (4") brick;

5. In the event of a conflict between the provisions set forth in the Master Deed and Bylaws, and the requirements set forth in the City of Livonia Zoning Ordinance No. 543, as amended, the Zoning Ordinance

requirements shall prevail, and petitioner shall comply with the Zoning Ordinance requirements;

6. That only a conforming entrance marker is approved with this petition, and any additional signage shall be separately submitted for review and approval by the Zoning Board of Appeals;

7. That the petitioner shall include language in the Master Deed and bylaws or a separate recordable instrument wherein the condominium association shall reimburse the City of Livonia for any maintenance or repair costs incurred for the storm water detention/retention and outlet facilities, and giving the City of Livonia the right to impose liens on each lot owner's property pro rata and place said charges on their real estate tax bills in the event said charges are not paid by the condominium association (or each lot owner) within thirty (30) days of billing for the City of Livonia;

8. That all required cash deposits, certified checks, irrevocable bank letters of credit and/or surety bonds which shall be established by the City Engineer pursuant to Article XVIII of Ordinance No. 543, Section 18.66 of the ordinance, shall be deposited with the City prior to the issuance of engineering permits for this site condominium development; and

9. Pursuant to Section 19.10 of Ordinance #543, the Zoning Ordinance of the City of Livonia, this approval is valid for a period of one year only from the date of approval by City Council, and unless a building permit is obtained, this approval shall be null and void at the expiration of said period.

with the following result:

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

NAYS: None

The President declared the resolution adopted.

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

#88-21 RESOLVED, that having considered an email from Edmund Leung, dated February 26, 2021, wherein a request is submitted to transfer the waiver use approval in response to Petition 2014-10-02-14 submitted by Elite Foot Spa, LLC, which petition was approved by City Council on December 15, 2014, pursuant to Council Resolution 373-14, to operate a massage establishment on property located on the southeast corner of Plymouth and Stark Roads (34389 Plymouth Road) in the Northeast ¼ of Section 33, the Council does hereby approve of the

request to transfer waiver use approval to operate a massage establishment on property located on the Southeast corner of Plymouth and Stark Roads (34389 Plymouth Road) from Edward Davis, Elite Foot Spa, LLC, 34389 Plymouth Road to the new owner, Edmond Leung, 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 10.03(m) 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. 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.

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

AYES: Bahr, White, Donovic, and McIntyre

NAYS: McCullough, Jolly and Toy

The President declared the resolution adopted.

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

#89-21 RESOLVED, that having considered a communication from the Chief of Police, dated February 26, 2021, wherein it is requested that Council Resolution 25-21, adopted on February 8, 2021, be amended to approve the revised agreement with ARX, Inc., under the new business name of Altovista, Inc., the Council does hereby amend and revise council resolution 25-21 so as to read as follows:

RESOLVED, that having considered the report and recommendation of the Chief of Police, dated January 13, 2021, which bears the signatures of the Director of Finance and the City Attorney, and is approved for submission by the Mayor, to which is attached a proposed agreement between the City of Livonia and Altovista, Inc., 2901 Auburn Road, Auburn Hills, MI 48326, wherein Altovista, Inc., will provide the police department with (1) a customized data dashboard to work in conjunction with CLEMIS

and in accordance to the department's unique requirements; (2) maintenance of data on the PACT (Police and Community Together) tab on the City's webpage; (3) continued accessibility, transparency, and increased efficiency by automating workflows through digital forms and (4) a community engagement tab to highlight community outreach and partnerships, for a period of three (3) years, commencing February 9, 2021, for a total amount not to exceed \$31,050.00; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$31,050.00 from Account No.: 101-304-818-000 (Professional Services) for this purpose; FURTHER, the Council does hereby approve the agreement in the manner and form herein submitted and the Mayor and City Clerk are hereby authorized, for and on behalf of the City of Livonia, to affix their signatures to the said agreement, subject to approval as to form and substance by the Department of Law; FURTHER, the Council does hereby authorize the said item without competitive bidding in accordance with Section 3.04.140D3 of the Livonia Code of Ordinances, as amended, in reliance on the report and recommendation of the Chief of Police and based in agreement with CLEMIS (which houses the police department's data) to provide Altovista, Inc. access to the information and the ability to update data directly from the CLEMIS database.

A communication from the City Engineer, dated March 17, 2021, re: clarification of lowest qualified bidder for the 2021-2022 Sidewalk and Pavement Replacement Program – Water Main Breaks – Contract 21-F, was received and placed on file for the information of the Council.

On a motion by Jolly, supported by Toy, it was:

#90-21 RESOLVED, that having considered the reports and recommendations of the City Engineer, dated March 17, 2021 and March 9, 2021, which bear the signatures of the Director of Finance and the Director of Public Works and are approved for submission by the Mayor, the Council does hereby accept the unit price bid of Luigi Ferdinandi & Son Cement Co., 16481 Common Road, Roseville, mi 48066, for completing all work required in connection with the 2021-2022 Sidewalk and Pavement Replacement Program - Water Main Breaks (Contract 21-F) for a total amount not to exceed \$328,006.50, i.e., \$164,003.25 per year (Phase I - \$208,874.50, i.e., \$104,437.25 per year and Phase II - \$119,132.00, i.e., \$59,566.00 per year), based upon the Engineering Division's estimate of units involved, and subject to final payment based upon the actual units completed in accordance with the unit prices accepted herein, said cost and unit prices having been in fact the lowest

bid received for this item; FURTHER, the Council does hereby appropriate and authorize an amount not to exceed \$328,006.50 for the 2021-2022 Sidewalk and Pavement Replacement Program – Water Main Breaks from the Water and Sewer Construction in Progress Account No. 592-158-000 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 to execute a two (2) year 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.

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

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

NAYS: McIntyre

The President declared the resolution adopted.

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

#91-21 RESOLVED, that having considered a communication from Jeffrey A. Horne, P.E., Taylor TSC, State of Michigan Department of Transportation, dated March 3, 2021, which requests permission to waive Section 8.32.070 (Noise Control) of the Livonia Code of Ordinances, as amended, in order to permit nighttime work operations in conjunction with the I-275 Reconstruction Project, from Will Carleton Road to Six Mile Road, the Council does hereby determine to waive Section 8.32.070 (Noise Control) of the Livonia Code of Ordinances in conjunction with the I-275 Reconstruction Project, from Will Carleton Road to Six Mile Road.

There was no Audience Communication at the end of the meeting.

On a motion by Toy, supported by Bahr, and unanimously adopted, this 1,917th Regular Meeting of the Council of the City of Livonia was adjourned at 9:11 p.m. on March 22, 2021.

Susan M. Nash, City Clerk