

MINUTES OF THE ONE THOUSAND NINE HUNDRED EIGHTEENTH

REGULAR MEETING OF APRIL 12, 2021

On April 12, 2021, the above meeting was called to order via remote Zoom technology by President Kathleen McIntyre at 7:00 p.m. Councilmember Cathy White led the meeting in the Pledge of Allegiance.

Roll was called with the following result: Cathy White (Livonia, Michigan); Brandon McCullough (Livonia, Michigan); Rob Donovic (Arrived 7:09 p.m.) (Deployed); Jim Jolly (Livonia, Michigan); Laura Toy (Livonia, Michigan); Scott Bahr (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; Mike Slater, Director of Finance; Jacob Rushlow, Superintendent of Public Works; LaShawn Thomas, Director of Governmental Affairs; Josh Sabo, Director of Communications and Community Resources; Ted Davis, Superintendent of Parks and Recreation; Sara Kasprovicz, Manager of Council Office; and Casey O'Neil, Director of Information Systems.

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

#92-21 RESOLVED, that the minutes of the 1917th Regular Meeting of the Council held March 22, 2021 are approved as presented.

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

#93-21 RESOLVED, that the revised minutes of the 1916th Regular Meeting of Council held March 8, 2021 are approved as presented.

Councilmember Jolly wished happy birthday to his daughter Claire.

At the direction of the Vice Chair, Agenda Item No. 21 was removed from the Agenda until they have a site plan for the property consistent with normal procedures.

Councilmember Jolly announced one retiree for the month of March, that being Thomas Shinsky, Parks Foreman, DPW.

President McIntyre wished Eric Goldstein well on the one-year anniversary of his illness.

Councilmember Toy said she wanted to share that the Vice President of her committee, Brandon McCullough, was able to go up to MSU and also LaShawn Thomas from the Mayor's office, along with Nathan, from cable, who filmed it so that they could share what they experienced today. She thanked them for taking time out of their schedules to do that and appreciated it so much.

President McIntyre announced there is New Data on Items 18, 19 and 20.

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

During Audience Communication Bethany Ellis asked for an update of the beagle issue that was brought up at a prior meeting.

Councilmember McCullough replied by saying if someone were to read the Agenda packet for the Study Session that's following this, it's either Item 16 or 17, there is a report and recommendation maybe six to seven weeks ago and we're going to be reviewing that in the Study Session this evening.

During Audience Communication Carol McGee said she had the same question regarding the beagles and was happy to hear it was being addressed this evening.

A communication from the Department of Finance, dated March 23, 2021,
re: forwarding the Quarterly Investment Report for the City of Livonia as of

February 28, 2021, was received and placed on file for the information of the Council.

At the direction of the Chair, Item No. 2 was removed from the Consent Agenda and placed on the Regular Agenda.

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

#94-21 RESOLVED, that having considered a communication from the Mayor, dated March 11, 2021, wherein she has requested approval of the reappointment of Glen Long, Jr., 16186 Edgewood Drive, Livonia, Michigan 48154, to the Local Officers Compensation Commission for a seven-year term expiring April 2, 2028, pursuant to Section 2.48.020 of the Livonia Code of Ordinances, as amended, and Act No. 197 of the Public Acts of Michigan of 1975, as amended, the Council does hereby confirm and approve such reappointment provided that Mr. Long takes the oath of office as required in Chapter X, Section 2 of the City Charter, to be administered by the City Clerk.

#95-21 RESOLVED, that having considered the report and recommendation of the Director of Housing, dated March 11, 2021, which bears the signature of the Director of Finance and is approved for submission by the Mayor, the Council does hereby authorize the purchase of one (1) 2022 Ford E450 Cutaway Van 158" wheelbase in an amount not to exceed \$30,864.00 and one (1) 2021 Champion Challenger 13-passenger bus in an amount not to exceed \$48,880.00, for a total amount not to exceed \$79,744.00, from Signature Ford, 1960 E. Main Street, Owosso, Michigan 48867, for use by the Livonia Community Transit; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$79,744.00 already budgeted in Account No. 218-889-986-010 for this purpose; FURTHER, the Council does hereby determine to authorize the said purchase without competitive bidding inasmuch as the same is based upon the low State of Michigan bid price under Contract No. 071B7700180 and Macomb County Contract #21-18 for the new vehicle purchase; and such action is taken in accordance with the provisions set forth in Section 3.04.140.D.4 of the Livonia Code of Ordinances, as amended.

#96-21 RESOLVED, that having considered the report and recommendation of the Chief of Police, dated March 1, 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 quote of Dell Marketing LP, One Dell Way, Mail Stop 8129, Round Rock, TX 78682, for the purchase of thirty six (36) Dell Desktop and Laptop Workstations, for a total amount not to exceed \$54,561.63, to replace approximately 50% of the current desktop and laptop workstations

which are out of warranty and at the end of their life expectancy, and replacement parts are no longer available; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$54,561.63 from funds already budgeted in the Police Data Processing (Capital Outlay Minor) Account No. 101-306-971-000 for this purpose; FURTHER, the Council does hereby determine to authorize the said purchase without competitive bidding inasmuch as the same is based upon the low State of Michigan contract pricing bid under Contract No. MEHC-7012015 for the new purchase, and such action is taken in accordance with the provisions set forth in Section 3.04.140.D.4 of the Livonia Code of Ordinances, as amended.

#97-21 RESOLVED, that having considered the report and recommendation of the Chief of Police, dated March 10, 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 quote of Idemia Identity and Security USA LLC, 5515 East La Palma Avenue, Suite 100, Anaheim, CA 92807 for the purchase of one (1) LiveScan System to replace the current outdated LiveScan System which is currently at the end of its life expectancy and needs to be replaced or will no longer have access to support through CLEMIS for a total amount not to exceed \$33,424.00; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$33,424.00 from funds already budgeted in Account No. 101-310-987-000 for this purpose; FURTHER, the Council does hereby authorize the action herein without competitive bidding in accordance with the provisions set forth in Section 3.04.140.D.3 of the Livonia Code of Ordinances, as amended, for the reason that the LiveScan System upgrade and installation is sole source and proprietary in nature and no advantage would result from competitive bidding.

#98-21 RESOLVED, that having considered the report and recommendation of the Superintendent of Parks and Recreation, dated March 1, 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 Specialized Vending Services, Inc., 11945 Globe St., Livonia, MI 48150, to supply the Jack E. Kirksey Recreation Center, outdoor pools, and Civic Park Senior Center with beverage and snack vending service for a three-year term commencing May 1, 2021 through April 30, 2024, with Specialized Vending Services, Inc. agreeing to pay the City 35% of their revenue from such vending machines (gross sales minus bottle deposits, sales tax and 10% labor fee), with a yearly bonus payout based on net revenue, the same having been the most advantageous bid received by the City for this item; and the Mayor and City Clerk are hereby authorized to execute a contract for and on behalf of the City of Livonia with Specialized Vending Services, Inc., subject to approval as to form and substance by the Department of Law, and to do all other things necessary or incidental to the full performance of this resolution.

#99-21 RESOLVED, that having considered the report and recommendation of the Superintendent of Parks and Recreation, dated March 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 Advanced Pools, PO Box 233, Milford, MI 48381, for performing all work required in connection with the Botsford Pool renovations, to include filter replumbing at a cost of \$17,500.00 and the removal and replacement of marcite at a cost of \$249,500.00, for a total amount not to exceed \$267,000.00; the same having been in fact the lowest bid received which meets all specifications; FURTHER, the Council does hereby authorize an amount not to exceed \$17,500.00 from Account No. 208-720-987-000 for the filter replumbing and \$249,500.00 from Account No. 208-720-971-000 for the marcite removal and replacement; and the Mayor and City Clerk are hereby authorized to execute a contract, approved as to form and substance by the Department of Law, for and on behalf of the City of Livonia with the aforesaid bidder and to do all other things necessary or incidental to the full performance of this resolution.

#100-21 RESOLVED, that having considered a communication from the City Engineer, dated March 2, 2021, submitted pursuant to Council Resolution Nos. 372-20 and 365-16, which bears the signatures of the Director of Finance, the Director of Public Works and the City Attorney, and is approved for submission by the Mayor, to which is attached a communication from OHM Advisors, dated March 2, 2021, enclosing a proposed amendment to the Qualification-Based Selection (QBS) contract between the City of Livonia and OHM Advisors, pursuant to Council Resolution 365-16, adopted on September 19, 2016, the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute the attached contract amendment between the City of Livonia and OHM Advisors, 34000 Plymouth Road, Livonia, Michigan 48150, to provide construction engineering services associated with the 2021 Drinking Water State Revolving Fund (DWSRF) Project No. 7453-01, Project Areas 4, 5, and 6, in an amount not to exceed \$372,000.00, based on the estimated construction costs, including testing and contract administration; FURTHER, the Council does hereby authorize an appropriation and expenditure in an amount not to exceed \$372,000.00 from the Unexpended Fund Balance of the Water and Sewer Fund (592) for this purpose with reimbursement to the Water and Sewer Fund from the proceeds of the 2021 DWSRF loan proceeds; 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.

#101-21 RESOLVED, that having considered the report and recommendation of the City Engineer, dated March 10, 2021, which bears the signatures of the Director of Finance and the Director of Public Works,

and is approved for submission by the Mayor, the Council does hereby accept the quote of Nagle Paving Company, 36780 Amrhein, Livonia, Michigan 48150, for completing all work required in connection with the 2021 Asphalt Road Paving Program (Contract 21-A) on various asphalt streets throughout the City of Livonia, by extending their Contract 20-A unit prices for Contract 21-A, with the exception of the revised unit prices for some select bid items and the new quantities and unit prices necessary to complete the proposed improvements (mostly related to the non-motorized paths such as culverts, pavement markings and signage) and the mutually agreed upon Inspector Days consisting of 180 days, for an estimated total cost of \$3,841,504.29, based on the Engineering Division's estimate of units of work involved and subject to the final payment based on the actual units of work completed in accordance with the unit prices accepted herein; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$3,841,504.29 from funds in the following accounts:

- Account No. 204-463-818-110 (Reconstruction) \$ 120,000.00
- Account No. 204-463-818-112 (Rehabilitation) \$3,495,004.29
- Account No. 204-463-818-114 (Maintenance) \$ 26,500.00
- Account No. 204-463-974-200 (Non-Motorized Paths) \$ 200,000.00

FURTHER, the Council does hereby authorize the action herein without competitive bidding in accordance with Section 3.04.140D3 of the Livonia Code of Ordinances, as amended, since no advantage to the City would result from competitive bidding; and the City Engineer is hereby authorized to approve minor adjustments in the work as it becomes necessary but this authorization does not entitle the City Engineer to authorize any increase in the not to exceed amount or to contract with other parties; and the Mayor and City Clerk are hereby authorized to execute a contract, approved as to form and substance by the Department of Law, for and on behalf of the City of Livonia with Nagle Paving Company and to do all other things necessary or incidental to the full performance of this resolution.

#102-21 RESOLVED, that having considered the report and recommendation of the City Engineer, dated March 10, 2021, submitted pursuant to Council Resolution No. 365-16, which bears the signatures of the Finance Director, the Director of Public Works and the City Attorney, and is approved for submission by the Mayor, to which is attached a proposed amendment to the Engineering contract between the City of Livonia and OHM Advisors, 34000 Plymouth Road, Livonia, Michigan 48150 for the 2021 Asphalt Road Program, the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute the attached contract amendment between the City of Livonia and OHM Advisors, 34000 Plymouth Road, Livonia, Michigan 48150, to provide construction engineering services for the 2021 Asphalt Road

Program (Contract 21-A) in an amount not to exceed \$461,000.00, said amount being based on the preliminary cost estimates and subject to adjustment based on the actual bids; FURTHER, the aforesaid proposal is accepted without competitive bidding pursuant to Livonia Code of Ordinances Section 3.04.140D.2.b; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$461,000.00 from funds budgeted in Account No. 204-441-818-102 (Road, Sidewalk and Tree Fund) for this purpose, and the City Engineer is hereby authorized to approve minor adjustments in the work as it becomes necessary but this authorization does not entitle the City Engineer to authorize any increase in the not to exceed amount or to contract with other parties.

#103-21 RESOLVED, that having considered the report and recommendation of the City Engineer, dated March 5, 2021, which bears the signatures of the Director of Finance and the Director of Public Works, and is approved for submission by the Mayor, the Council does hereby agree to extend the Contract 20-C unit prices per agreement with Hard Rock Concrete, Inc., 38146 Abruzzi Drive, Westland, Michigan 48185 to the 2021 Concrete Road Repair Program (Contract 21-c), with the exception of revised unit price for bid item number 2, mobilization and the agreed upon 250 Inspector Days based on the recommendation of Anderson, Eckstein and Westrick, Inc. ("AEW"), said amount to be adjusted based upon the quantities of work actually completed, for the estimated total cost of \$4,900,000.00, based on the bid unit prices from 2020, Contract 20-C; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$4,900,000.00 for the 2021 Concrete Road Repair Program (Contract 21-C) from budgeted road funds in the following accounts:

- Account No. 204-463-818-110 (Reconstruction) \$4,315,000.00
- Account No. 204-463-818-114 (Maintenance) \$ 585,000.00

FURTHER, the Council does hereby authorize the action herein without competitive bidding in accordance with Section 3.04.140D3 of the Livonia Code of Ordinances, as amended, since no advantage to the City would result from additional competitive bidding, and the City Engineer is hereby authorized to approve minor adjustments in the work as it becomes necessary but this authorization does not entitle the City Engineer to authorize any increase in the not to exceed amount or to contract with other parties; and the Mayor and City Clerk are hereby authorized for and on behalf of the City of Livonia to execute a contract extension with the aforesaid company, approved as to form and substance by the Department of Law, and to do all other things necessary or incidental to the full performance of this resolution.

#104-21 RESOLVED, that having considered the report and recommendation of the City Engineer, dated March 5, 2021, submitted

pursuant to Council Resolution 365-16, which bears the signatures of the Director of Finance and the Director of Public Works, and is approved for submission by the Mayor, to which is attached a proposed amendment to the Engineering contract between the City of Livonia and Anderson, Eckstein and Westrick, Inc., 51301 Schoenherr Road, Shelby Township, Michigan 48315 for the 2021 Concrete Road Program (Contract 21-C), the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute the attached contract amendment between the City of Livonia and Anderson, Eckstein and Westrick, Inc., 51301 Schoenherr Road, Shelby Township, Michigan 48315, to provide construction engineering services for the 2021 Concrete Road Repair Program (Contract 21-C) in an amount not to exceed \$588,000.00, said amount being based on the preliminary cost estimates and subject to adjustment based on the actual bids; FURTHER, the aforesaid proposal is accepted without competitive bidding pursuant to Livonia Code of Ordinances Section 3.04.140.D.2.b; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$588,000.00 from funds budgeted in Account No. 204-441-818-102 (Road, Sidewalk and Tree Fund) for this purpose; and the City Engineer is hereby authorized to approve minor adjustments in the work as it becomes necessary but this authorization does not entitle the City Engineer to authorize any increase in the not to exceed amount or to contract with other parties.

#105-21 RESOLVED, that having considered the report and recommendation of the City Engineer, dated March 5, 2021, which bears the signatures of the Director of Finance and the Director of Public Works, and is approved for submission by the Mayor, the Council does hereby accept the unit price bid of Great Lakes Contracting Solutions, LLC, 2300 Edinburgh, Waterford, MI 48328 for performing all work required in connection with the 2021 Concrete Road Maintenance/Selective Slab Replacement Program – Contract 21-J on various concrete streets throughout the City of Livonia, at the unit prices bid for the estimated total cost of \$844,815.77, 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, said estimated cost and unit prices having been in fact the lowest bid received for this item and meets all specifications; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$844,815.77 for the 2021 Concrete Road Maintenance/Selective Slab Program (Contract 21-J) from funds budgeted in Account No. 204-463-818-114 (Road, Sidewalk and Tree Fund – Maintenance) for this purpose; and the City Engineer is hereby authorized to approve minor adjustments in the work as it becomes necessary but this authorization does not entitle the City Engineer to authorize any increase in the not to exceed amount or to contract with other parties; and the Mayor and City Clerk are hereby authorized for and on behalf of the City of Livonia to execute a contract with the aforesaid company, approved as to form and substance by the

Department of Law, and to do all other things necessary or incidental to the full performance of this resolution.

#106-21 RESOLVED, that having considered the report and recommendation of the City Engineer, dated March 8, 2021, submitted pursuant to Council Resolution 365-16, adopted on September 19, 2016, which bears the signatures of the Director of Finance, the Director of Public Works and the City Attorney, and is approved for submission by the Mayor, to which is attached a proposed amendment to the Engineering contract between the City of Livonia and Anderson, Eckstein and Westrick, Inc., 51301 Schoenherr Road, Shelby Township, Michigan 48315 for construction engineering services for the 2021 Concrete Road Maintenance/ Selective Slab Program (Contract 21-J), the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute the attached contract amendment between the City of Livonia and Anderson, Eckstein and Westrick, Inc., 51301 Schoenherr Road, Shelby Township, Michigan 48315 to provide construction engineering services for the 2021 Concrete Road Maintenance/Selective Slab Program (Contract 21-J), in an amount not to exceed \$105,602.00, said amount being based on the preliminary cost estimates and subject to adjustment based on the actual bids; FURTHER, the aforesaid proposal is accepted without competitive bidding pursuant to Livonia Code of Ordinances Section 3.04.140.D.2.b; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$105,602.00 from funds budgeted in Account No. 204-441-818-102 (Road, Sidewalk and Tree Fund) for this purpose; and the City Engineer is hereby authorized to approve minor adjustments in the work as it becomes necessary but this authorization does not entitle the City Engineer to authorize any increase in the not to exceed amount or to contract with other parties.

#107-21 RESOLVED, that having considered the report and recommendation of the City Engineer, dated March 10, 2021, which bears the signatures of the Director of Finance and the Director of Public Works, and is approved for submission by the Mayor, the Council does hereby accept the unit price bid of Michigan Joint Sealing, Inc., 28830 W. Eight Mile Road, Suite 103, Farmington Hills, MI 48336, for performing all work required in connection with the 2021 Pavement Crack and Joint Sealing Program (Contract 21-D) for the estimated total cost of \$165,230.50; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$105,230.50 from funds budgeted in Account No. 203-463-818-117 (Local Roads) and \$60,000.00 from funds budgeted in Account No. 202-463-818-117 (Major Roads) for this purpose; FURTHER, the Council does hereby authorize a transfer of budgeted funds in an amount not to exceed \$10,000.00 from Account No. 202-463-818-118 (Lane Line Marking) to Account No. 203-463-181-117 (Joint and Crack Sealing) for this purpose; FURTHER, the foregoing amounts are based upon the Engineering Division's estimate of units involved, and are subject

to final payments based upon the actual units completed in accordance with the unit prices accepted herein, said estimated costs and unit prices having been in fact the lowest bid received and meets all specifications; FURTHER, the Council does hereby authorize a two-year contract extension for years 2022 and 2023 at the same unit prices upon satisfactory completion of the 2021 award; and the City Engineer is hereby authorized to approve minor adjustments in the work as it becomes necessary but this authorization does not entitle the City Engineer to authorize any increase in the not to exceed amount or to contract with other parties; and the Mayor and City Clerk are hereby authorized for and on behalf of the City of Livonia to execute a contract with the aforesaid company, approved as to form and substance by the Department of Law, and to do all other things necessary or incidental to the full performance of this resolution.

#108-21 RESOLVED, that having considered a communication from the City Planning Commission, dated February 25, 2021, approved for submission by the Mayor, which sets forth its resolution #02-06-2021, adopted on February 23, 2021, with regard to a request from Josh A. Suardini, Vice President, Etkin Management, L.L.C., as managing agent for Victor East, L.L.C., dated January 14, 2021, for a three-year extension of the approval of Petition 2014-02-08-02, previously granted in Council Resolution #104-14, adopted on April 21, 2014, in connection with a proposal to construct a one-story office-research building on property located on the north side of Seven Mile Road between Newburgh Road and Victor Parkway (37640 Seven Mile Road) in the Southeast 1/4 of Section 6, the Council does hereby concur in the recommendation of the Planning Commission and does hereby grant the requested extension for a three-year period, subject to compliance with all of the conditions set forth in the original site plan approval.

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

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

NAYS: None

The President declared the resolutions adopted.

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

RESOLVED, that having considered the report and recommendation of the Director of Community Resources, dated March 12, 2021, which bears the signatures of the Superintendent of Parks and Recreation, Director of Finance and the City Attorney, and is approved for

submission by the Mayor, the Council does hereby accept the unit price bid of ID Enterprises, 24333 Indoplex Circle, Farmington Hills, MI 48335, for design (cover and typesetting), three proofs, editing, printing and sorting of the "L" Magazine, at the unit prices specified in the attachment to the aforesaid communication per issue for the estimated cost, including contingencies, not to exceed \$19,697.00.00 per issue, for a two year period from fall 2021 through spring/summer, 2023; the same having been the most advantageous bid received for this item due to ID Enterprises' existing relationship with the City, the known quality of their work over previous contracts, and the ability to work with their timeline and production schedule comfortably and effectively; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$19,697.00 per issue to be split equally from funds budgeted in Account No. 101-893-886-110 (Special Activities-Community Resources) and Account No. 208-755-905-000 (Publishing – Parks and Recreation) for this purpose; and the Mayor and City Clerk are hereby authorized to execute a contract for and on behalf of the City of Livonia with ID Enterprises, subject to approval as to form and substance by the Department of Law, and to do all other things necessary or incidental to the full performance of this resolution.

Following discussion by Council, on a substitute motion by Bahr, supported by White, it was:

#109-21 RESOLVED, that upon the motion by Council Vice President Scott Bahr, seconded by Councilmember Rob Donovic, at the Regular Meeting held April 12, 201, with respect to this item, the Council does hereby direct that this item be placed on the Agenda for the next Regular Meeting of April 26, 2021.

Following further discussion by Council, Administration, and audience members, a roll call vote was taken on the substitute motion with the following results:

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

NAYS: McCullough

The President declared the substitute motion adopted.

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

#110-21 RESOLVED, that having considered a communication from the Director of Planning, dated March 3, 2021, which bears the signature of the City Attorney and is approved for submission by the Mayor, requesting to amend Historic Preservation Commission Ordinance Chapter 2.56, Section 020 (Definitions), Section 050 (Historic Preservation Commission--Creation and Membership), and Section 060 (Commission--Powers and Duties), as required by the State Historic Preservation Office (SHPO) for the City of Livonia to qualify under the Certified Local Government (CLG) Programs, as previously authorized in Council Resolution No. 300-20, the Council does hereby refer this item to the Department of Law for preparation of the appropriate ordinance amendment(s) to Chapter 2.56, Sections 020, 050 and 060 of the Livonia Code of Ordinances for submission to Council.

A communication received from the Mayor, dated April 9, 2021, setting forth notice of intent to veto proposed amendments to Subsections (16) through (34) of Section 2.10 of Article II and Section 4.02 of Article IV of Ordinance 543 of the Livonia Zoning Ordinance; and Sections 010, 011 and 020 of Title 5, Chapter 42 of the Livonia Code of Ordinances, pursuant to CR #67-20, adopted on February 24, 2020, was received and placed on file for the information of the Council.

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

#111-21 RESOLVED, that upon the motion by Council Vice President Scott Bahr, seconded by Councilmember Laura Toy, at the Regular Meeting held April 12, 2021, the Council does hereby refer the subject matter of the proposed amendment to Livonia Code of Ordinances Sections 010, 011 and 020 of Title 5 of Chapter 42 (Hotels, motor courts, lodginghouses, rooming-houses, one-family rental dwellings, two-family rental dwellings and multiple-family rental dwellings) to the Committee of the Whole for its report and recommendation.

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

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

NAYS: None

The President declared the resolution adopted.

A communication from the Mayor, dated April 9, 2021, setting forth notice of intent to veto proposed amendments to Subsections (16) through (34) of Section 2.10 of Article II and Section 4.02 of Article IV of Ordinance 543 of the Livonia Zoning Ordinance; and Sections 010, 011 and 020 of Title 5, Chapter 42 of the Livonia Code of Ordinances, pursuant to CR #67-20, adopted on February 24, 2020, was received and placed on file for the information of the Council.

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

#112-21 RESOLVED, that upon the motion by Council Vice President Scott Bahr, seconded by Councilmember Laura Toy, at the Regular Meeting held April 12, 2021, the Council does hereby refer the subject matter of Proposed Amendment to Zoning Ordinance No. 543, as amended, re: Petition 2019-06-06-01, submitted by the City Planning Commission, pursuant to Council Resolution 163-19, to amend Subsections (16) through (34) of Section 2.10 of Article ii to the Committee of the Whole for its report and recommendation.

A communication from the Mayor, dated April 9, 2021, setting forth notice of intent to veto proposed amendments to Subsections (16) through (34) of Section 2.10 of Article II and Section 4.02 of Article IV of Ordinance 543 of the Livonia Zoning Ordinance; and Sections 010, 011 and 020 of Title 5, Chapter 42 of the Livonia Code of Ordinances, pursuant to CR #67-20, adopted on February 24, 2020, was received and placed on file for the information of the Council.

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

#113-21 RESOLVED, that upon the motion by Council Vice President Scott Bahr, seconded by Councilmember Laura Toy, at the Regular Meeting held April 12, 2021, the Council does hereby refer the subject matter of Proposed Amendment to Zoning Ordinance No. 543, as

amended, re: Petition 2019-06-06-01, submitted by the City Planning Commission, pursuant to Council Resolution 163-19; to amend Section 4.02 of Article IV; to add Subsection (i) to the Committee of the Whole for its report and recommendation.

At the direction of the Vice Chair, Agenda Item No. 21 was removed from the Agenda.

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

#114-21 RESOLVED, that having considered the report and recommendation of the Superintendent of Parks and Recreation, dated March 9, 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 Luigi Ferdinandi and Sons Cement Co., 16481 Common Road, Roseville, MI 48066 for performing all work required in connection with the Sheldon Pool Deck Paving, for a total amount not to exceed \$55,861.00; the same having been in fact the lowest bid received which meets all specifications; FURTHER, the Council does hereby authorize an amount not to exceed \$55,861.00 from funds budgeted in Account No.: 208-722-971-000 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 other things necessary or incidental to the full performance of this resolution.

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

#115-21 RESOLVED, that having considered a communication from the City Planning Commission, dated March 11, 2021, approved for submission by the Mayor, which sets forth its resolution #03-08-2021, adopted on March 9, 2021, with regard to Petition 2021-02-02-02 submitted by SPP Investors II, L.L.C., requesting approval to re-develop a site, including demolishing the existing restaurant (Romano's Macaroni Grill), constructing a full-service restaurant with drive-thru facilities (Shake Shack), and constructing a bank with drive-thru facilities, on property located in the northeast corner of Seven Mile and Haggerty Roads (39300 Seven Mile Road) in the Southwest ¼ of Section 6, the Council does hereby concur in the recommendation made by the City Planning Commission and Petition 2021-02-02-02 is hereby approved and granted, subject to the following conditions:

1. That the Site Plan identified as Drawing C-3, dated February 3, 2021, as revised, prepared by Stonefield Engineering & Design, is hereby approved, and shall be adhered to, except that construction of a building

on Parcel B shall not occur until and unless a separate waiver use/site plan is submitted for review by the Planning Commission and approved by City Council.

2. That the Landscape Plan identified as Drawing C-8, dated February 3, 2021, as revised, prepared by Stonefield Engineering & Design, is hereby approved, and shall be adhered to.

3. That all disturbed lawn areas shall be sodded in lieu of hydroseeding.

4. That underground sprinklers are to be provided for all landscaped and sodded areas and all planted materials shall be installed to the satisfaction of the Inspection Department and thereafter permanently maintained in a healthy condition.

5. That the Exterior Elevation Plans for the restaurant, identified as Sheet No. A201 & Sheet No. A202, both dated January 13, 2021, as revised, prepared by Aria Group, are hereby approved, and shall be adhered to.

6. That all rooftop mechanical equipment shall be concealed from public view on all sides by screening that shall be of a compatible character, material, and color to other exterior materials on the building.

7. That the maximum customer seating count for the restaurant shall not exceed a total of 114 seats, including 74 interior seats for the restaurant and 70 outdoor patio seats.

8. That no advertising shall be permitted on any of the seating or table apparatus of the outdoor patio area.

9. That only one (1) menu order board sign is allowed per stacking lane in accordance with the sign standards set forth in Section 18.50H.

10. That the three walls of the trash dumpster areas shall be constructed of masonry that complements the design of the building. The enclosure gates shall be of solid panel steel construction or durable, long-lasting solid panel fiberglass.

11. That the restaurant shall provide disposal of grease waste in accordance with Section 13.20.380 of the City Code of Ordinances.

12. That the proposed construction shall meet the Wayne County Stormwater Ordinance, including detention requirements, and the Petitioner shall secure all required permits, including soil erosion and sedimentation control.

13. That all new pole-mounted light fixtures shall not exceed a height of twenty feet (20') and shall be aimed and shielded to minimize stray light trespassing across property lines and glaring into adjacent roadways.

14. That only conforming wall signage is approved with this petition, and any additional signage shall be separately submitted for review and approval by the Zoning Board of Appeals.

15. That no LED lightband or exposed neon shall be permitted on this site including, but not limited to, the building or around the windows.

16. That unless approved by the proper local authority, any type of exterior advertising, such as promotional flags, streamers or sponsor vehicles designed to attract the attention of passing motorists, shall be prohibited.

17. That no less than six (6) weeks prior to the scheduled opening of the Shake Shack restaurant and/or bank on the site, whichever comes first, the Petitioner shall submit to the Department of Public Safety Traffic Bureau for its review and approval details of how traffic will be managed, both on- and off-site, during the times when the stacking capacity of the drive-thru lanes is exceeded or when undue traffic congestion is occurring on the adjacent public thoroughfares.

18. That all traffic improvements, including additions or modifications to the traffic signals, approach geometrics, or traffic lanes, as deemed necessary by either Wayne County or the Michigan Department of Transportation (MDOT) to mitigate the traffic impacts of the project, shall be completed prior to the issuance of a Certificate of Occupancy.

19. That the specific plans referenced in this approving resolution shall be submitted to the Inspection Department at the time the building permits are applied for.

20. 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 (1) 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, a roll call vote was taken on the foregoing resolution with the following result:

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

NAYS: None

The President declared the resolution adopted.

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

#116-21 RESOLVED, that having considered a communication from the Department of Law, dated February 26, 2021, the Council does hereby, by a two-thirds roll call vote in accordance with Section 7(1) of the Open Meetings Act, direct that a Closed Committee of the Whole Meeting be held for the purpose of discussing litigation matters and Attorney/Client privileged communications in connection with pending litigation, Dwayne Love, et. al. v City of Livonia; Wayne County Circuit Court Case No.: 19-013049-NI.

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

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

NAYS: None

The President declared the resolution adopted.

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

#117-21 RESOLVED, that having considered a communication from the Department of Law, dated February 26, 2021, the Council does hereby, by a two-thirds roll call vote in accordance with Section 7(1) of the Open Meetings Act, direct that a Closed Committee of the Whole Meeting be held for the purpose of discussing litigation matters and attorney/client privileged communications in connection with pending litigation, Susan O'Donohue-Williams, et. al. v City of Livonia; Wayne County Circuit Court Case No.: 19-013904-NI.

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

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

NAYS: None

The President declared the resolution adopted.

During Audience Communication Amanda Carvella addressed Council on the subject of having a Citizens Review Board for the Livonia Police Department.

On a motion by Toy, supported by Bahr, and unanimously adopted, this 1,918th Regular Meeting of the Council of the City of Livonia was adjourned at 8:53 p.m. on April 12, 2021.

Susan M. Nash, City Clerk