MINUTES OF THE ONE THOUSAND NINE HUNDRED NINETEENTH

REGULAR MEETING OF APRIL 26, 2021

On April 26, 2021, the above meeting was called to order via remote Zoom technology by President Kathleen McIntyre at 7:00 p.m. Councilmember Brandon McCullough led the meeting in the Pledge of Allegiance.

Roll was called with the following result: Brandon McCullough (Livonia, Michigan); Rob Donovic (Deployed); Laura Toy (Livonia, Michigan); Scott Bahr (Livonia, Michigan); Cathy White (Livonia, Michigan); and President Kathleen McIntyre (Livonia, Michigan). Absent: Jim Jolly.

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 Kasprowicz, Manager of Council Office; and Casey O'Neil, Director of Information Systems.

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

#118-21 RESOLVED, that the minutes of the 1918th Regular Meeting of the Council held April 12, 2021 are approved as presented.

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

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

A communication from the Department of Finance, dated March 29, 2021, re: forwarding various financial statements of the City of Livonia for the month ending December 31, 2020, was received and placed on file for the information of the Council.

A communication from the Department of Finance, dated March 30, 2021, re: forwarding various financial statements of the City of Livonia for the month ending January 31, 2021, was received and placed on file for the information of the Council.

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

#119-21 RESOLVED, that having considered an application from Holly Malewski, dated March 26, 2021, requesting permission to close Marsha Street between Houghton Drive and 16217 Marsha Street, on Friday, July 23, 2021, from 4:00 p.m. to 10:00 p.m., for the purpose of conducting a block party, the Council does hereby grant permission as requested, including therein permission to conduct the said affair on Friday, July 30, 2021, in the event of inclement weather, the action taken herein being made subject to the approval of the Police Department.

#120-21 RESOLVED, that having considered the report and recommendation of the Fire Chief, dated March 17, 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) Bryx Station Alerting System from Bryx, Inc., 120 East Avenue, Suite 300, Rochester, New York 14604, for a total amount not to exceed $110,000.00, to provide a much-needed upgrade to an out-of-date dispatching/alert system which is approximately 10 years old and to provide a cutting-edge technological enhancement in the delivery of dispatch information by automating the dispatch process; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed $110,000.00 from funds already budgeted in Account No. 101-338-979-000 (Capital Outlay – Fire Equipment); FURTHER, the Council does hereby authorize the said action without competitive bidding for the reason that Bryx, Inc. is the sole vendor for this specialized type of equipment especially due to the unique cloud-based platform that integrates specifically with current hardware in place, and such action is taken in accordance Section 3.04.140.D.3 of the Livonia Code of Ordinances, as amended.

#121-21 RESOLVED, that having considered the report and recommendation of the Information Systems Director, dated March 29, 2021, which bears the signature of the Director of Finance and is approved for submission by the Mayor, in connection with the renewal of the contract between the City of Livonia and ESRI, Inc. for the City's Geographic Information System (GIS), the Council does hereby approve a renewal of the contract between the City of Livonia and ESRI Inc., 380 New York Street, Redlands, California 92373, to provide software maintenance for the City of Livonia's Geographic Information System (GIS), for a one (1) year period from July 17, 2021 to July 16, 2022, for an amount not to exceed $21,000.00, the same to be expended from funds already budgeted in Account No. 101-915-851-020 (Computer Software Maintenance) 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 ESRI, Inc. is a sole source supplier and no advantage would result from requiring competitive bidding.

#122-21 RESOLVED, that having considered the report and recommendation of the Library Director, dated March 18, 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 furniture, to include lounge chairs and end tables for public use and employee task chairs, from Workspace Interiors by Office Depot, 17335 Haggerty Road, Northville, MI 48168, in an amount not to exceed $35,273.31, to replace furniture in the Bennett Civic Center Library that is 32 years old and is showing its age; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed $35,273.31 from funds already budgeted in Account No. 271-738-976-000 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 Omnia Partner bid price under Contract No. R191812, in accordance with the provisions set forth in Section 3.04.140D4 of the Livonia Code of Ordinances, as amended.

#123-21 RESOLVED, that having considered the report and recommendation of the Assistant Director of Public Works, dated March 4, 2021, which bears the signatures of the Director of Public Works and the Director of Finance and is approved for submission by the Mayor, the Council does hereby accept the recommendation of the Department of Public Works to extend the tree planting contract utilizing the 2020 contract prices per agreement with Crimboli Nursery, 50145 Ford Road, Canton, MI 48187 for performing all work required in connection with the City's 2021 Street Tree Planting Program, to include the planting of 500 right-of-way and 100 park trees, for a total amount not to exceed $125,000.00, based upon the Public Service 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; FURTHER, the Council does hereby authorize an appropriation and expenditure in an amount not to exceed $125,000.00 from funds already budgeted in Account No. 204-781-818-047 (Contractual Services-Tree Replacement) for this purpose; FURTHER, the Council does hereby authorize the action herein without competitive bidding in accordance with Section 3.04.140.D.3 of the Livonia Code of Ordinances, as amended; and the Mayor and City Clerk are hereby authorized to execute a one-year contract extension with Crimboli Nursery, 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.

#124-21 RESOLVED, that having considered the report and recommendation of the Director of Public Works, dated March 29, 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) 2021 Transit 150 10-passenger van, in an amount not to exceed $34,786.00, from Signature Ford, 1960 E. Main Street, Owosso, Michigan 48867; to replace a current 2005 Ford van(#510) and to be assigned to the Fleet Maintenance Department (ID #505) for utilization by any department in the City and to transport employees, including Council and Commissions requiring transportation to view equipment demos, tours, etc., the same to be expended from funds already budgeted in Account No: 401-000-985-010; 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 MI-Deal Contract No. 071B7700180 and Macomb County Contract #21-18 for the new vehicle purchase; 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.4 of the Livonia Code of Ordinances, as amended; FURTHER, the Council does hereby authorize the disposal of the replaced vehicle at public auction hosted by the Michigan Inter-governmental Trade Network (MITN) or commercial auction after receipt of the new vehicle.

#125-21 RESOLVED, that having considered the report and recommendation of the Assistant Director of Public Works, dated March 29, 2021 which bears the signatures of the Director of Public Works and the Director of Finance and is approved for submission by the Mayor, the Council does hereby authorize the purchase of two (2) Titan Pro Trailer Mounted Leaf Vacuums from Bell Equipment, 78 Northpointe Dr., Lake Orion, MI 48359, at a cost of $47,850.00 each, for a total amount not to exceed $95,700.00, to be utilized by the Roads Department and to replace two (2) current units whose repair cost and dependability exceeds their value; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed $95,700.00 from funds already budgeted in

Account No. 205-527-971-000 (Refuse Fund) for this purpose; FURTHER, the Council does hereby determine to authorize this purchase without competitive bidding inasmuch as the same is based upon the low MI Deal contract bid process for park maintenance equipment, under Contract Agreement No. 0-71B7700091, 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.4 of the Livonia Code of Ordinances, as amended; FURTHER, the Council does hereby authorize the disposal of the replaced equipment at public auction hosted by the Michigan Inter-governmental Trade Network (MITN) or commercial auction after receipt of the new equipment.

#126-21 RESOLVED, that having considered the report and recommendation of the Assistant Director of Public Works, dated March 29, 2021 which bears the signatures of the Director of Public Works and the Director of Finance and is approved for submission by the Mayor, the Council does hereby authorize the purchase of two (2) drum-style brush chippers (Model 15 XP), from Bandit Industries Inc., 6750 Millbrook Road, Remus, MI 49340, at a cost of $40,245.60 each, for a total amount not to exceed $80,491.20, to be utilized by the Roads Department and to replace two (2) current units whose repair cost and dependability exceeds their value; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed $80,491.20 from funds already budgeted in Account No. 205-527-971-000 (Refuse Fund) for this purpose; FURTHER, the Council does hereby determine to authorize this purchase without competitive bidding inasmuch as the same is based upon the low State of Michigan and Macomb County bid process under Contract No. 190000000301, 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.4 of the Livonia Code of Ordinances, as amended; FURTHER, the Council does hereby authorize the disposal of the replaced equipment at public auction hosted by the Michigan Inter-governmental Trade Network (MITN) or commercial auction after receipt of the new equipment.

#127-21 RESOLVED, that having considered a communication from the Assistant Director of Public Works, dated March 29, 2021, which bears the signatures of the Director of Public Works and the Finance Director and is approved for submission by the Mayor, the Council does hereby authorize the purchase of one (1) trailer mounted four-ton asphalt hotbox (Model KM80007EDX) from Alta Equipment Co., 56195 Pontiac Trail, New Hudson, MI 48165, for a total amount not to exceed $23,189.00, to replace an older unit and to be utilized by the Roads Department; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed $23,189.00 from funds already budgeted in Account No. 401-000-987-000 for this purpose; FURTHER, the Council does hereby authorize this purchase without competitive bidding inasmuch as the same is made through the National Cooperative Purchasing Alliance, under Contract No. 05-25, 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.4 of the Livonia Code of Ordinances, as amended; FURTHER, the Council does hereby authorize the disposal of the replaced equipment at public auction hosted by the Michigan Inter-governmental Trade Network (MITN) or commercial auction after receipt of the new equipment.

#128-21 RESOLVED, that having considered a communication from the Director of Public Works, dated March 29, 2021, submitted pursuant to Council Resolution 79-19, adopted on March 11, 2019, which bears the signature of the Director of Finance, and is approved for submission by the Mayor, the Council does hereby authorize a two-year contract extension with Etna Supply Company, 529 32nd Street, S.E., Grand Rapids, Michigan 49548, for supplying the Public Service Division with water meters and supplies based upon the unit prices set forth in the attachment to said communication, for the period April 1, 2021 through March 31, 2023, at a total cost not to exceed $1,500,000.00 annually; FURTHER, the Council does hereby authorize such expenditure from funds already budgeted in Account No.: 592-559-787-040 of the Water and Sewer Fund for this purpose; FURTHER, the Council does hereby determine to authorize the purchase of said items without competitive bidding inasmuch as Etna Supply Company is the sole source provider of Sensus Meters 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.

#129-21 RESOLVED, that having considered the report and recommendation of the City Engineer, dated March 30, 2021, which bears the signatures of the Director of Public Works and the Director of Finance, and is approved for submission by the Mayor, to which is attached MDOT Invoice #CARE1591REIM21000675 in the amount of $11,494.26 for additional expenses incurred for the installation of a traffic signal mast arm and signal work at the intersection of Highway Old M-14 (Plymouth Road) and Tech Center Drive, approved by Council on October 7, 2019, pursuant to Council Resolution 335-19, the Council does hereby authorize an additional expenditure in the amount of $16,000.00 for additional expenses incurred with the installation of a traffic signal mast arm and signal work at the intersection of Highway Old M-14 (Plymouth Road) and Tech Center Drive, increasing the not to exceed contract amount from $69,400.00 to $85,400.00; leaving a balance of $10,331.88 for any future invoices related to this project and to allow for the completion and close out of the project; FURTHER, an additional amount of $16,000.00 is hereby authorized to be expended from Account No. 202-463-973-020 (Major Street Fund) for this purpose; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed $11,494.26 payable to the State of Michigan, Attn. Finance Cashier, P.O. Box 30648, Lansing, MI 48909 for additional expenses incurred in connection with this project; FURTHER, the Mayor and City Clerk are hereby authorized for and on behalf of the City of Livonia to execute a contract amendment with MDOT, 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.

#130-21 RESOLVED, that having considered the report and recommendation of the City Engineer, dated March 31, 2021, which bears the signatures of the Director of Public Works and the Director of Finance, and is approved for submission by the Mayor, the Council does hereby accept the quote of Nagle Paving Company, 36780 Amrhein, Livonia, Michigan 48150, for performing all work required in connection with the 2021 Livonia DPW Parking Lot Improvement Project, as part of the City's long-term program to fix safety issues in existing parking lots utilizing the unit pricing established in Contract 21-A with Nagle Paving Company, pursuant to Council Resolution No. 101-21, adopted on April 12, 2021, in an amount not to exceed $205,000.00, based on the Engineering Division's estimate of units involved, and subject to a final payment based upon the actual units completed in accordance with the unit prices accepted herein; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed $205,000.00 from funds already budgeted in Account No. 401-000-971-000 for this purpose; FURTHER, the Council does hereby authorize an additional appropriation and expenditure in an amount not to exceed $35,545.00 from the unexpended fund balance of the Capital Projects Fund (401) for this purpose; FURTHER, the Council does hereby authorize an amount not to exceed $235,545.00 payable to Nagle Paving Company, Inc., 36780 Amrhein Road, Livonia, Michigan 48150 for this purpose; FURTHER, the Council does hereby authorize an amount not to exceed $5,000.00 payable to OHM Advisors, 34000 Plymouth Road, Livonia, Michigan 48150 for testing and inspection for DPW Parking Lot Improvements; FURTHER, the Council does hereby authorize such action without competitive bidding for the reasons indicated in the aforesaid communication, and such action is taken in accordance with Section 3.04.140.D.3 of the Livonia Code of Ordinances, as amended; 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, subject to approval 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.

#131-21 RESOLVED, that having considered a communication from the City Planning Commission, dated March 15, 2021, which transmits its resolution #03-11-2021, adopted on March 9, 2021, with regard to Petition 2021-02-08-02 submitted by Quatro Construction L.L.C., in connection with a proposal to remodel the exterior of the commercial strip center (Plymouth Shoppes) located on the south side of Plymouth Road between Garden Avenue and Middlebelt Road (29195 through 29215 Plymouth Road), in the Northwest ¼ of Section 36, the Council does hereby concur in the recommendation of the Planning Commission and Petition 2021-02-08-02 is hereby approved and granted, subject to the following conditions:

1. That the Exterior Elevations Plan identified as Sheet No. A-3.1, dated February 2, 2021, as revised, prepared by Mohamed Nasri Bazna Engineer, is hereby approved and shall be adhered to;

2. That in within a period of one (1) year from the date of approval by City Council, the site's front and rear parking lots shall be repaired, resealed, and restriped as necessary to the satisfaction of the Inspection Department. Parking spaces shall be doubled striped at ten feet (10') wide by twenty feet (20') in length. Also, within that same time frame, the site's trash dumpsters shall be enclosed. That the three walls of the trash dumpster areas shall be constructed out of building materials that shall complement that of the building. The enclosure gates shall be of solid panel steel construction or durable, long-lasting solid panel fiberglass;

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

4. That no LED light band or exposed neon shall be permitted on this site including, but not limited to, the building or around the windows;

5. 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;

6. 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; and

7. 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.

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

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

NAYS: None

The President declared the resolutions adopted.

President McIntyre, as Chair of the Committee of the Whole, reported out on the meeting of April 5, 2021.

a. Subject matter to discuss bond issues and financing in connection with the Livonia Public Schools. (CR 75-21)

#132-21 RESOLVED, that having considered the report and recommendation of the Committee of the Whole, dated April 5, 2021, the Council does hereby determine to take no further action with regard to this matter.

McCullough gave first reading to the following Ordinance:

AN ORDINANCE AMENDING SECTION 350 OF TITLE 6, CHAPTER 1 (ANIMALS), KNOWN AS “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.

Following discussion by Council, a substitute motion by Bahr, supported by Donovic, was made:

RESOLVED, that having considered the report and recommendation of the Department of Law, dated March 19, 2021, the Council does hereby determine to deny the Proposed Amendment to Section 350 of Title 6, Chapter 1 (Animals) of the Livonia Code of Ordinances.

Following further discussion by Council a roll call vote was taken on the substitute motion with the following result:

AYES: Donovic, Bahr and McIntyre

NAYS: McCullough, Toy, and White

The President declared the resolution failed for lack of majority vote.

McCullough gave first reading to the following Ordinance:

> AN ORDINANCE AMENDING SECTION 040 OF TITLE 6 (ANIMALS), CHAPTER O1, 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.

White gave first reading to the following Ordinance:

> AN ORDINANCE VACATING THE USE OF PORTIONS OF STREET, ALLEY AND PUBLIC GROUND. (Petition 2020-08-01-05)

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

A communication from the Director of Community Resources dated April 14, 2021, re: forwarding print samples received from various bidders, was received and placed on file for the information of the Council.

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

#134-21 RESOLVED, that having considered the reports and recommendations of the Director of Community Resources, dated March 12, 2021 and April 14, 2021, which bear 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.

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

AYES: McCullough, Donovic, Toy and White

NAYS: Bahr and McIntyre

The President declared the resolution adopted.

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

#135-21 RESOLVED, that having considered a communication from the City Engineer, dated April 6, 2021, which bears the signatures of the Director of Public Works, Director of Finance and the City Attorney, and is approved for submission by the Mayor, concerning an amendment to Council Resolution No. 358-20 for the inclusion in the local street system, for Act 51 revenue computation purposes, the additional street segments:

Schoolcraft Road Service Drive (West of Golfview Avenue) (Addition)

Length: 886.63 l.f. Termini: Golfview Avenue West to End

Legal Description:

Part of the Southeast ¼ of Section 20, T. 1 S., R. 9 E., City of Livonia, Wayne County, Michigan described as follows:

Commencing at the South corner of said Section 20; thence due East, 1,390.01 feet along the South line of Section 20; thence North 00°25'49" West, 119.00 feet; thence due West, 60.00 feet to the Point of Beginning; thence continuing due West, 886.63 feet to the Point of Ending.

Location: S.E. ¼ of Section 20

Schoolcraft Road Service Drive (West of Fairway Drive) (Addition)

Length: 105 l.f.
Termini: Fairway Drive West to End

Legal Description:

Part of the Southeast ¼ of Section 20, T. 1 S., R. 9 E., City of Livonia, Wayne County, Michigan described as follows:

Commencing at the Southeast corner of said Section 20; thence North 89°30'41" West along the South line of Section 20, 995.02 feet; thence North 00°03'44" West, 119.01 feet; thence North 89°30'41" West, 60.00 feet to the Point of Beginning; thence continuing North 89°30'41" West, 105.00 feet to the Point of Ending.
Location: S.E. ¼ of Section 20

Schoolcraft Road Service Drive (West of Yale Avenue) (Addition)

Length: 489.61 l.f.
Termini: Yale Avenue West to End

Legal Description:

Part of the Southeast ¼ of Section 20, T. 1 S., R. 9 E., City of Livonia, Wayne County, Michigan described as follows:
Commencing at the Southeast corner of said Section 20; thence North 89°30'41" West along the South line of Section 20, 133.15 feet; thence North 00°13'08" West, 119.01 feet; thence North 89°30'41" West, 43.00 feet to the Point of Beginning; thence continuing North 89°30'41" West, 489.61 feet to the Point of Ending.

Location: S.E. ¼ of Section 20

Schoolcraft Road Service Drive (East of Yale Avenue) (Addition)

Length: 240.02 l.f.

Termini: Yale Avenue East to End

Legal Description:

Part of the Southeast ¼ of Section 20 and the Southwest ¼ of Section 21, T. 1 S., R. 9 E., City of Livonia, Wayne County, Michigan described as follows: Commencing at the Southeast corner of said Section 20 (also known as the Southwest corner of Section 21); thence North 00°13'18" West along the East line of said Section 20 (also known as the West line of Section 21), 102.00 feet; thence North 89°30'41" West, 90.15 feet; thence North 00°13'08" West, 18.00 feet to the Point of Beginning; thence South 89°30'41" East, 90.15 feet to the East line of said Section 20 (also known as the West line of Section 21); thence South 89°34'51" East, 149.87 feet to the Point of Ending.

Location: S.E. ¼ of Section 20

The Council does hereby authorize the City Engineer acting as the Street Administrator to apply to the Michigan Department of Transportation for the inclusion of said streets in the City's local street system for the purpose of computing the City's share of Act 51 revenues.

AND BE IT FURTHER RESOLVED THAT the streets are approved public streets and are open for public purposes; and FURTHER, that said streets are accepted into the City's local street system and are located within a right-of-way under the control of the City of Livonia and that said streets were open to the public as of December 31, 2020.

Donovic 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 CITEDAS "THE CITY OF LIVONIA ZONING ORDINANCE" BY ADDING SECTION 3.____________ THERETO. (Petition 2020-08-01-05)

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

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

NAYS: None

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

A communication from Infinity Homes and Company dated April 19, 2021, re: clarification of Petition 2021-02-02-03, was received and placed on file for the information of the Council.

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

#136-21 RESOLVED, that having considered a communication from the City Planning Commission, dated April 13, 2021, approved for submission by the Mayor, which transmits its resolution #03-09-2021, adopted on March 9, 2021, with regard to Petition 2021-02-02-03 submitted by Infinity Homes and Company, requesting approval to develop a Planned Residential Development under the Single-Family Clustering option (Emerson Oaks), consisting of thirty-five (35) site condominium lots, on the property located on the north side of West Chicago Avenue between Harrison and Middlebelt Roads (28400 West Chicago Avenue, former Wilson Elementary School site) in the Northwest ¼ of Section 36, and an email communication received from Ryan Butler, resident of the City of Livonia, dated March 25, 2021, the Council does hereby concur in the recommendation made by the City Planning Commission and Petition 2021-02-02-03 is hereby approved and granted, subject to the following conditions:

1. That the Master Deed and bylaws complies with the requirements of Article XX, Section 20.01-20.06 of Zoning Ordinance #543, as amended, and the Subdivision Control Ordinance, Title 16, Chapter 16.04-16.40 of the Livonia Code of Ordinances, subject to the following modifications and exceptions:
- that the first floor of each condominium unit shall be brick or stone, on all four (4) sides, and the total amount of brick or stone on each two-story unit shall not be less than 65% and not less than 80% on one-story dwellings.
- that the minimum floor area for each dwelling shall not be less than 1,400 square feet for one-story ranches and 1,600 square feet for multi-story cape cods or colonials.
- that all exterior chimneys shall be brick;

2. That the Site Plan identified as SH. 1, dated January 19, 2021, prepared by Arpee/Donnan, Inc. is hereby approved and shall be adhered to;

3. That the Landscape Planting Plan and Landscape Notes and Details identified as LP-1 and LP-2, respectively, both dated January 18, 2021, prepared by Nagy Devlin Land Design, are hereby approved and shall be adhered to;

4. That streetlights and sidewalks shall be installed throughout the development to the satisfaction of the Engineering Department;

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 the petitioner shall comply with the Zoning Ordinance requirements;

6. 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;

7. That the petitioner shall comply to the satisfaction of the Engineering Department the recommendations as outlined in the correspondence dated February 10, 2021 by the Department of Public Safety, Livonia Fire and Rescue, with respect to the location and spacing of fire hydrants;

8. The developer and all contractors and subcontractors shall employ best management practices to prevent, reduce and mitigate the problems associated with soil erosion and airborne dirt and dust from migrating off-site, including provisions for erosion control barriers, daily street sweeping, watering, and halting earthwork activities on days when the wind conditions are likely to cause a problem;

9. 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;
10. 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

11. 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.

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

AYES: McCullough, Donovic, Toy, White and McIntyre

NAYS: Bahr

The President declared the resolution adopted.

A communication from the Chief Accountant dated April 20, 2021, re: reflecting payment in full of the delinquent water bill for 33527, 33529 and 33535 Seven Mile Road, was received and placed on file for the information of the Council.

A communication from the Chief Accountant dated April 19, 2021, re: delinquent water bill balance, was received and placed on file for the information of the Council.

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

#136-21 RESOLVED, that having considered a communication from the City Planning Commission, dated April 13, 2021, which transmits its resolution #03-10-2021, adopted on March 9, 2021, with regard to Petition 2021-02-08-01, submitted by Gargaro Construction, to remodel the exterior of the commercial strip center on property located on the south side of Seven Mile Road between Farmington Road and Myron Avenue (33527, 33529 and 33535 Seven Mile Road), in the Northeast ¼ of Section 9, the Council does hereby concur in the recommendation of the Planning Commission and Petition 2021- 02-08-01 is hereby approved and granted, subject to the following conditions:

1. That the Exterior Elevations Plan prepared by GAV Associates, as received by the Planning Department on February 1, 2021, is hereby approved and shall be adhered to;

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

3. That no LED light band or exposed neon shall be permitted on this site including, but not limited to, the building or around the windows;

4. 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;

5. 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; and

6. 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.

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

ORDINANCE NO. 3147

AN ORDINANCE TO PROVIDE FOR THE ACQUISITION AND CONSTRUCTION OF ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE WATER SUPPLY AND WASTEWATER SYSTEM OF THE CITY OF LIVONIA; TO PROVIDE FOR THE ISSUANCE AND SALE OF JUNIOR LIEN REVENUE BONDS TO PAY THE COST THEREOF; TO PRESCRIBE THE FORM OF THE BONDS; TO PROVIDE FOR THE COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM AND TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS; TO PROVIDE FOR SECURITY FOR THE BONDS; TO PROVIDE FOR THE SEGREGATION AND DISTRIBUTION OF THE REVENUES; TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE BONDS IN ENFORCEMENT THEREOF; AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE BONDS AND THE SYSTEM.

THE CITY OF LIVONIA ORDAINS:
<u>Section 1.</u> Definitions. Whenever used in this Ordinance, except when otherwise indicated by the context, the following terms shall have the following meanings:
(a) “Act 94” means Act 94, Public Acts of Michigan, 1933, as amended.
(b) “Authority” means the Michigan Finance Authority.
(c) “Authorized Officers” means the Mayor, City Clerk, City Treasurer and the Director of Finance of the Issuer.
(d) “Bonds” or “Senior Lien Bonds” means any Bonds or series of Bonds Agenda for the so designated and payable from Net Revenues, which are secured by a statutory first lien on the Net Revenues established by the Prior Ordinances and which are senior and superior in all respects with respect to the Net Revenues to any Junior Lien Bonds secured by the statutory second lien established by this Ordinance, together with any additional Bonds of equal

standing thereafter issued. (e) "EGLE" means the Michigan Department of Environment, Great Lakes and Energy.
(f) "Engineers" means OHM Advisors, consulting engineers of Livonia, Michigan.
(g) "Issuer" means the City of Livonia, County of Wayne, State of Michigan.
(h) "Junior Lien Bonds" means any Bonds or series of Bonds (including the Series 2021 Bonds) payable from Net Revenues, after satisfaction of any requirements for funding the Redemption Account, and which are secured by a statutory second lien on the Net Revenues and are junior and subordinate in all respects with respect to the Net Revenues to any Outstanding Senior Lien Bonds and any Bonds hereafter issued secured by the statutory first lien established by the Prior Ordinances.
(i) "Outstanding Senior Lien Bonds" means the Series 2013 Bonds, the Series 2014 Bonds, the Series 2015 Bonds and the Series 2015 Refunding Bonds and any additional bonds issued that are senior in standing and priority of lien with the Junior Lien Bonds.
(j) "Prior Ordinances" means Ordinance Nos. 2719, 2945, 2963, 2979, 2990 and 3117 adopted by the City Council authorizing the issuance of Bonds, including the Outstanding Senior Lien Bonds.
(k) "Project" means the acquisition, construction, furnishing and equipping of additions, extensions and improvements to the Issuer's Water Supply and Wastewater System, including the replacement and upsizing of water mains in the City, together with all necessary interests in land, rights of way and all appurtenances and attachments therefor, as described in the plans prepared by the Engineers and approved herein.
(l) "Purchase Contract" means the Purchase Contract to be entered into between the Authority and the Issuer relating to the purchase by the Authority of the Series 2021 Bonds.
(m) "Revenues" and "Net Revenues" means the revenues and net revenues of the System and shall be construed as defined in Section 3 of Act 94, including with respect to "Revenues", the earnings derived from the investment of moneys in the various funds and accounts established by the Prior Ordinances and this Ordinance.
(n) "Series 2013 Bonds" means the Issuer's Water Supply and Wastewater System Revenue Bonds, Series 2013, dated September 17, 2013, in the original principal amount of $3,620,000.
(o) "Series 2014 Bonds" means the Issuer's Water Supply and Wastewater System Revenue Bonds, Series 2014, dated June 25, 2014, in the original principal amount of $3,775,000. (p) "Series 2015 Bonds" means the Issuer's Water Supply and Wastewater System Revenue Bonds, Series 2015, dated June 25, 2015, in the original principal amount of $9,050,000. (q) "Series 2015 Refunding Bonds" means the Issuer's Water Supply and Wastewater System Revenue Refunding Bonds, Series 2015, dated August 11, 2015, in

the original principal amount of $4,170,000. (r) “Series 2020 Bonds” means the Issuer’s Water Supply and Wastewater System Junior Lien Revenue Bonds, Series 2020, dated June 12, 2020 in the original principal amount of $9,160,000. (s) “Series 2021 Bonds” means the Issuer’s Water Supply and Wastewater System Junior Lien Revenue Bonds, Series 2021, in the principal amount of not to exceed $6,000,000 issued pursuant to this Ordinance. (t) “Sufficient Government Obligations” means direct obligations of the United States of America or obligations the principal and interest on which is fully guaranteed by the United States of America, not redeemable at the option of the issuer, the principal and interest payments upon which without reinvestment of the interest, come due at such times and in such amounts as to be fully sufficient to pay the interest as it comes due on the Bonds or Junior Lien Bonds and the principal and redemption premium, if any, on the Bonds or Junior Lien Bonds as it comes due whether on the stated maturity date or upon earlier redemption. Securities representing such obligations shall be placed in trust with a bank or trust company, and if any of the Bonds or Junior Lien Bonds are to be called for redemption prior to maturity, irrevocable instructions to call the Bonds for redemption shall be given to the paying agent. (u) “Supplemental Agreement” means the supplemental agreement among the Issuer, the Authority and EGLE relating to the Series 2021 Bonds. (v) “System” means the entire Water Supply and Wastewater System of the Issuer, including the Project and all additions, extensions and improvements hereafter acquired.

<u>Section 2.</u> Necessity; Approval of Plans and Specifications. It is hereby determined to be a necessary public purpose of the Issuer to acquire and construct the Project in accordance with the plans and specifications prepared by the Engineers, which plans and specifications are hereby approved. The Project qualifies for the Drinking Water State Revolving Fund financing program being administered by the EGLE and the Authority, whereby bonds of the Issuer are sold to the Authority and bear interest at a fixed rate of one and seven-eighths percent (1.875%) per annum.

<u>Section 3.</u> Costs; Useful Life. The cost of the Project is estimated to be Six Million Dollars ($6,000,000), including the payment of incidental expenses as specified in Agenda for the Section 4 of this Ordinance, which estimate of cost is hereby approved and confirmed, and the period of usefulness of the Project is estimated to be not less than thirty (30) years.

<u>Section 4.</u> Payment of Cost; Bonds Authorized. To pay the cost of acquiring and constructing the Project, legal, engineering, financial and other expenses incident thereto and incident to the issuance

and sale of the Series 2021 Bonds, the Issuer shall borrow the sum of not to exceed Six Million Dollars ($6,000,000), or such lesser amount as shall have been advanced to the Issuer pursuant to the Purchase Contract and the Supplemental Agreement, and issue the Series 2021 Bonds pursuant to the provisions of Act 94. The remaining cost of the Project, if any, shall be defrayed from Issuer funds on hand and legally available for such use. Except as amended by or expressly provided to the contrary in this Ordinance, all of the provisions of the Prior Ordinances shall apply to the Series 2021 Bonds issued pursuant to this Ordinance, the same as though each of said provisions were repeated in this Ordinance in detail; the purpose of this Ordinance being to authorize the issuance of revenue bonds of subordinate lien with respect to the Outstanding Senior Lien Bonds to finance the cost of acquiring and constructing additions, extensions and improvements to the System, additional bonds of subordinate standing with the Outstanding Senior Lien Bonds for such purpose being authorized by the provisions of the Prior Ordinances, upon the conditions therein stated, which conditions have been fully met.

Section 5. Issuance of Series 2021 Bonds; Details. The Series 2021 Bonds of the Issuer, to be designated WATER SUPPLY AND WASTEWATER SYSTEM JUNIOR LIEN REVENUE BONDS, SERIES 2021, are authorized to be issued in the aggregate principal sum of not to exceed Six Million Dollars ($6,000,000) as finally determined by order of the EGLE for the purpose of paying part of the cost of the Project, including the costs incidental to the issuance, sale and delivery of the Series 2021 Bonds. The Series 2021 Bonds shall be payable primarily out of the Net Revenues, as set forth more fully in Section 8 hereof, provided that the Series 2021 Bonds shall be subordinate to the prior lien with respect to the Net Revenues in favor of the Outstanding Senior Lien Bonds and of any Bonds hereafter issued. The Series 2021 Bonds shall be in the form of a single fully-registered, nonconvertible bond of the denomination of the full principal amount thereof, dated as of the date of delivery, payable in principal installments as finally determined by the order of the EGLE at the time of sale of the Series 2021 Bonds and approved by the Authority and an Authorized Officer. Principal installments of the Series 2021 Bonds shall be payable on October 1 of the years 2023 to 2042, inclusive, or such other payment dates as hereinafter provided. Interest on the Series 2021 Bonds shall be payable on April 1 and October 1 of each year, commencing October 1, 2021 or on such other interest payment dates as hereinafter provided. Final determination of the principal amount of and interest on the Series 2021 Bonds and the payment dates and amounts of principal installments of the Series 2021 Bonds shall be evidenced by execution of the Purchase Contract and each of the Authorized

Officers is authorized and directed to execute and deliver the Purchase Contract when it is in final form and to make the determinations set forth above; provided, however, that the first principal installment shall be due no earlier than October 1, 2022, the total number of principal installments shall not exceed twenty (20), and that the total principal amount shall not exceed $6,000,000. The Series 2021 Bonds shall bear interest at a rate of one and seven-eighths percent (1.875%) per annum on the par value thereof or such other rate as evidenced by execution of the Purchase Contract, but in any event not to exceed the rate permitted by law, and any Authorized Officers as shall be appropriate shall deliver the Series 2021 Bonds in accordance with the delivery instructions of the Authority.

The principal amount of the Series 2021 Bonds is expected to be drawn down by the Issuer periodically, and interest on principal amount shall accrue from the date such principal amount is drawn down by the Issuer.

The Series 2021 Bonds shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2021 Bonds shall be payable as provided in the Series 2021 Bond form in this Ordinance. The Series 2021 Bonds shall be subject to optional redemption by the Issuer with the prior written approval of the Authority and on such terms as may be required by the Authority.

The Treasurer of the Issuer shall record on the registration books payment by the Issuer of each installment of principal or interest or both when made and the cancelled checks or other records evidencing such payments shall be returned to and retained by the Treasurer. Upon payment by the Issuer of all outstanding principal of and interest on the Series 2021 Bonds, the Authority shall deliver the Series 2021 Bonds to the Issuer for cancellation.

<u>Section 6.</u> Execution of Series 2021 Bonds. The Series 2021 Bonds shall be signed by the manual or facsimile signature of the Mayor and countersigned by the manual or facsimile signature of the Clerk and the Treasurer and shall have the corporate seal of the Issuer or a facsimile thereof impressed thereon. The Series 2021 Bonds bearing the manual or facsimile signatures of the Mayor, the Clerk and the Treasurer sold to the Authority shall require no further authentication.

<u>Section 7.</u> Registration and Transfer. Any Bond or Junior Lien Bond may be transferred upon the books required to be kept pursuant to this section by the person in whose name it is registered, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond or Junior Lien Bond for cancellation, accompanied by delivery of a duly executed written instrument of

transfer in a form approved by the transfer agent. Whenever any Bond or Junior Lien Bond shall be surrendered for transfer, the Issuer shall execute and the transfer agent shall authenticate and deliver a new Bond or Junior Lien Bond, for like aggregate principal amount. The transfer agent shall require payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer. The Issuer shall not be required (i) to issue, register the transfer of or exchange any Bond or Junior Lien Bond during a period beginning at the opening of business 15 days before the day of the giving of a notice of redemption of Bonds selected for redemption as described in the form of Series 2021 Bonds contained in Section 13 of this Ordinance and ending at the close of business on the day of that giving of notice, or (ii) to register the transfer of or exchange any Bond or Junior Lien Bond so selected for redemption in whole or in part, except the unredeemed portion of Bonds or Junior Lien Bonds being redeemed in part. The Issuer shall give the transfer agent notice of call for redemption at least 20 days prior to the date notice of redemption is to be given.

The transfer agent shall keep or cause to be kept at its principal office sufficient books for the registration and transfer of the Bonds or Junior Lien Bond, which shall at all times be open to inspection by the Issuer; and upon presentation for such purpose the transfer agent shall under such reasonable regulations as it may prescribe, transfer or cause to be transferred on said books Bonds or Junior Lien Bond as hereinbefore provided. If any Bond or Junior Lien Bond shall become mutilated, the Issuer, at the expense of the holder of the Bond or Junior Lien Bond, shall execute, and the transfer agent shall authenticate and deliver, a new Bond or Junior Lien Bond of like tenor in exchange and substitution for the mutilated Bond or Junior Lien Bond, upon surrender to the transfer agent of the mutilated Bond or Junior Lien Bond. If any Bond or Junior Lien Bond issued under this Ordinance shall be lost, destroyed or stolen, evidence of the loss, destruction or theft may be submitted to the transfer agent and, if this evidence is satisfactory to both and indemnity satisfactory to the transfer agent shall be given, and if all requirements of any applicable law including Act 354, Public Acts of Michigan, 1972, as amended (“Act 354”), being sections 129.131 to 129.135, inclusive, of the Michigan Compiled Laws have been met, the Issuer, at the expense of the owner, shall execute, and the transfer agent shall thereupon authenticate and deliver, a new Bond or Junior Lien Bond of like tenor and bearing the statement required by Act 354, or any applicable law hereafter enacted, in lieu of and in substitution for the Bond or Junior Lien Bond so lost, destroyed or stolen. If any such Bond or Junior Lien Bond shall have matured or shall be about to mature, instead of issuing a substitute Bond or

Junior Lien Bond the transfer agent may pay the same without surrender thereof.

Section 8. Payment of Series 2021 Bonds; Security; Priority of Lien. Principal of and interest on the Series 2021 Bonds shall be payable primarily from the Net Revenues. There is hereby recognized the statutory lien upon the whole of the Net Revenues created by this Ordinance which shall be a lien that is junior and subordinate to the lien of the Outstanding Senior Lien Bonds created by the Prior Ordinances and to any Bonds hereafter issued, to continue until payment in full of the principal of and interest on all Bonds payable from the Net Revenues, or until sufficient cash or Sufficient Government Obligations have been deposited in trust for payment in full of all Junior Lien Bonds, including the Series 2021 Bonds, then outstanding, principal and interest, to maturity, or, if called for redemption, to the date fixed for redemption together with the amount of the redemption premium, if any. Upon deposit of cash or Sufficient Government Obligations, as provided in the previous sentence, the statutory lien shall be terminated with respect to the Series 2021 Bonds, the holders of the Series 2021 Bonds shall have no further rights under this Ordinance except for payment from the deposited funds, and the Series 2021 Bonds shall no longer be considered to be outstanding under this Ordinance. As additional security for repayment of the Series 2021 Bonds, the Issuer hereby pledges the taxes collected by the State of Michigan and returned to the Issuer pursuant to Act 140, Public Acts of Michigan, 1971, as amended, to the Authority as purchaser and holder of the Series 2021 Bonds, and the Issuer hereby authorizes the Authorized Officers to approve, execute and deliver a Revenue Sharing Pledge Agreement between the Issuer and the Authority, authorizing the State Treasurer to transmit the revenue sharing moneys assigned and pledged therein directly to the Authority or its designee if payments on the Series 2021 Bonds are not made in accordance with this Ordinance. The Issuer shall be reimbursed for any such advance from the Net Revenues of the System subsequently received which are not otherwise pledged or encumbered by this Ordinance or the Prior Ordinances.

Section 9. Management; Fiscal Year. The operation, repair and management of the System and the acquiring and constructing of the Project shall continue to be under the supervision and control of the Issuer. The Issuer may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the System. The Issuer may make such rules and regulations as it deems advisable and necessary to assure the efficient management and operation of the System. The

System shall be operated on the basis of an operating year which shall coincide with the Issuer's fiscal year.

Section 10. Rates and Charges; No Free Service. The rates and charges for service furnished by the System and the methods of collection and enforcement of the collection of the rates shall be those in effect on the date of adoption of this Ordinance and are estimated to be sufficient to provide for the payment of the expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the System in good repair and working order, to provide for the payment of the principal of and interest on the Bonds as the same become due and payable, and the maintenance of the reserves, if any, therefore; and to provide for all other obligations, expenditures and funds for the System required by law, the Prior Ordinances and this Ordinance. No free service or use of the System, or service or use of the System at less than cost, shall be furnished by the System to any person, firm, or corporation, public or private, or to any public agency or instrumentality, including the Issuer. In a case where a tenant is responsible for the payment of the charges for service furnished by the System, and the Issuer is so notified in writing, the Issuer shall require a cash deposit in a sum determined as set forth in Title 13, Chapter 8 of the Issuer's Code of Ordinances, as the same may from time to time be amended, as security for the payment of the charges.

Section 11. Funds and Accounts; Flow of Funds; Junior Lien Bond and Interest Redemption Fund. All funds belonging to the System and all Revenues of the System shall continue to be set aside as collected and credited to the Receiving Fund established by the Prior Ordinances (the "Receiving Fund"), except as provided in this Ordinance. The Revenues credited to the Receiving Fund are pledged for the purposes of the funds and accounts established by the Prior Ordinances and this Ordinance and shall be transferred or debited from the Receiving Fund periodically in the manner and at the times and in the order of priority specified in the Prior Ordinances and this Ordinance.
Funding Existing Funds and Accounts. Out of the Revenues in the Receiving Fund there shall be transferred and debited the amounts required by the Prior Ordinances to be deposited into the existing Operation and Maintenance Fund and the existing Bond and Interest Redemption Fund (including Bond Reserve Account) created pursuant to the Prior Ordinances.
Junior Lien Bond and Interest Redemption Account. The Junior Lien Bond and Interest Redemption Account (the "Junior Lien Redemption Account") created pursuant to Ordinance No. 3117 is hereby continued. Except as otherwise provided herein, the moneys

on deposit therein from time to time shall be used for the purpose of paying the principal of and interest on any Junior Lien Bonds.

Out of the Revenues remaining in the Receiving Fund after provision for the transfers and debits described in the previous paragraph, there shall be set aside monthly in the Junior Lien Redemption Account a sum sufficient to provide for the next payment when due of the principal of and interest on the Junior Lien Bonds, less any amount in the Junior Lien Redemption Account representing accrued interest on the Junior Lien Bonds, and less the sum of any funds actually on deposit in the Junior Lien Redemption Account. The amount set aside and transferred to the Junior Lien Redemption Account each month for interest on the Junior Lien Bonds shall be 1/6 of the total amount of interest on the Junior Lien Bonds next coming due or such greater or lesser amount as is necessary to assure that the amount set aside in the Junior Lien Redemption Account as of the first of such month is not less than the product of (a) 1/6 of the amount of interest next due on the Junior Lien Bonds times (b) the number of months elapsed since and including the last interest payment date. For the month immediately prior to each interest payment date the amount set aside and transferred to the Junior Lien Redemption Account to pay interest shall be reduced by amounts, including investment earnings, available in the Junior Lien Redemption Account which are available for such purpose. The amount set aside and transferred to the Junior Lien Redemption Account each month for principal commencing twelve months prior to the first maturity or mandatory sinking fund redemption date shall be 1/12 of the amount of principal next coming due on the Junior Lien Bonds by maturity or as a mandatory redemption requirement or such greater or lesser amount as is necessary to assure that the amount set aside in the Junior Lien Redemption Account as of the first of such month is not less than the product of 1/12 of the amount of principal next due on the Junior Lien Bonds times (b) the number of months elapsed since and including the last principal payment date. If there is any deficiency in the amount previously set aside, that deficiency shall be added to the next succeeding month's requirement.

No further payments need be made into the Junior Lien Redemption Account after enough of the principal installments of the Junior Lien Bonds have been retired so that the amount then held in the Junior Lien Redemption Account (including a bond reserve account, if any), is equal to the entire amount of principal and interest which will be payable at the time of maturity of all the principal installments of the Bond then remaining outstanding.

Section 12. Bond Proceeds. The proceeds of the sale of the Series 2021 Bonds as received by the Issuer shall be deposited in a separate account in a bank or banks qualified to act as depository of the proceeds of sale under the provisions of Section 15 of Act 94 designated 2021 WATER SUPPLY AND WASTEWATER SYSTEM JUNIOR LIEN REVENUE BONDS CONSTRUCTION FUND (the "Construction Fund"). Moneys in the Construction Fund shall be applied solely in payment of the cost of the Project and any engineering, legal and other expenses incident thereto and to the financing thereof.

<u>Section 13.</u> Bond Form. The Series 2021 Bonds shall be in substantially the following form with such changes or completion as necessary or appropriate to give effect to the intent of this Ordinance and subject to such modifications which may be required by the Michigan Attorney General and the Authority and approved by bond counsel:
UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF WAYNE
CITY OF LIVONIA
WATER SUPPLY AND WASTEWATER SYSTEM JUNIOR LIEN REVENUE BOND, SERIES 2021

REGISTERED OWNER: Michigan Finance Authority
PRINCIPAL AMOUNT: ______________________________ Dollars ($___,000)
DATE OF ORIGINAL ISSUE: June 7, 2021
The CITY OF LIVONIA, County of Wayne, State of Michigan (the "Issuer"),
acknowledges itself to owe and for value received hereby promises to pay, primarily out of the hereinafter described Net Revenues of the Issuer's Water Supply and Wastewater System (hereinafter defined), to the Michigan Finance Authority (the "Authority"), or registered assigns, the Principal Amount shown above, or such portion thereof as shall have been advanced to the Issuer pursuant to a Purchase Contract between the Issuer and the Authority and a Supplemental Agreement by and among the Issuer, the Authority and the State of Michigan acting through the Department of Environment, Great Lakes and Energy, in lawful money of the United States of America, unless prepaid or reduced prior thereto as hereinafter provided.
During the time the Principal Amount is being drawn down by the Issuer under this bond, the Authority will periodically provide to the Issuer a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the Issuer of its obligation to repay the

outstanding Principal Amount actually advanced (subject to any principal forgiveness as provided in Schedule A), all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this bond.

The Principal Amount shall be payable on the dates and in the annual principal installment amounts set forth on the Schedule attached hereto and made a part hereof, as such Schedule may be adjusted if less than $__________ is disbursed to the Issuer or if a portion of the Principal Amount is prepaid or reduced as provided below, with interest on said principal installments from the date each said installment is delivered to the holder hereof until paid at the rate of one and seven-eighths percent (1.875%) per annum. Interest is first payable on October 1, 2021, and semiannually thereafter on the first day of April and October of each year, as set forth in the Purchase Contract.

Notwithstanding any other provision of this Bond, so long as the Authority is the owner of this Bond, (a) this Bond is payable as to principal, premium, if any, and interest at The Bank of New York Mellon Trust Company, N.A. or at such other place as shall be designated in writing to the Issuer by the Authority (the "Authority's Depository"); (b) the Issuer agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on this Bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; in the event that the Authority's Depository has not received the Issuer's deposit by 12:00 noon on the scheduled day, the Issuer shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment; and (c) written notice of any redemption of this Bond shall be given by the Issuer and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

Additional Interest In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the “additional interest”) at a rate equal to the rate of interest which is two percent above the Authority’s cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase this bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the Issuer’s default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provide funds to purchase this bond fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the Issuer shall and hereby agrees to pay on demand only the Issuer's pro rata share (as determined by the Authority) of such deficiency as additional interest on this bond.

For prompt payment of principal and interest on this bond, the Issuer has irrevocably pledged the revenues of the Water Supply and Wastewater System of the Issuer, including

all appurtenances, extensions and improvements thereto (the "Water Supply and Wastewater System"), after provision has been made for reasonable and necessary expenses of operation, maintenance and administration (the "Net Revenues"), and a statutory lien thereon is hereby recognized and created.

This bond is a single, fully-registered, non-convertible bond in the principal sum indicated above issued pursuant to Ordinance Nos. 2719, 2945, 2963, 2979, 2990, 3117 and 3147, duly adopted by the City Council (the "Ordinances"), and under and in full compliance with the Constitution and statutes of the State of Michigan, including specifically Act 94, Public Acts of Michigan, 1933, as amended, for the purpose of paying part of the cost of acquiring and constructing additions, extensions and improvements to the Water Supply and Wastewater System of the Issuer.

For a complete statement of the revenues from which and the conditions under which this bond is payable, a statement of the conditions under which additional bonds of superior and equal standing may hereafter be issued and the general covenants and provisions pursuant to which this bond is issued, reference is made to the Ordinances. This bond is of junior standing and priority of lien as to the Net Revenues to the Issuer's Water Supply and Wastewater System Revenue Bonds, Series 2013, Water Supply and Wastewater System Revenue Bonds, Series 2014, Water Supply and Wastewater System Revenue Bonds, Series 2015 and Water Supply and Wastewater System Revenue Refunding Bonds, Series 2015 (collectively, the "Senior Lien Bonds") and of equal standing and priority of lien as to the Net Revenues to the Issuer's Water Supply and Wastewater System Junior Lien Revenue Bonds, Series 2020 (the "Junior Lien Bonds", and together with the Senior Lien Bonds, the "Outstanding Bonds").

This bond is a self-liquidating bond, payable, both as to principal and interest, primarily from the Net Revenues of the System. The principal of and interest on this bond are secured by the statutory second lien hereinbefore mentioned. As additional security, the Issuer has pledged certain taxes collected by the State of Michigan and returned to the Issuer pursuant to a revenue sharing pledge agreement as further described in the Ordinances.

The Issuer has covenanted and agreed, and does hereby covenant and agree, to fix and maintain at all times while any bonds payable from the Net Revenues of the Water Supply and Wastewater System shall be outstanding, such rates for service furnished by the Water Supply and Wastewater System as shall be sufficient to provide for payment of the interest upon and the principal of this bond and any bonds of equal standing with this bond, the Outstanding Bonds and any additional bonds of equal standing with the Senior Lien Bonds, as and when the same shall become due and payable, and to maintain a bond redemption fund (including, except for bonds of this issue and any Junior Lien Bonds, a bond reserve account) therefor, to provide for the payment of expenses of administration and operation and such expenses for maintenance of the Water Supply and Wastewater System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the Water Supply and Wastewater System as are required by the Ordinances.

Principal installments of this bond are subject to prepayment by the Issuer prior to maturity only with the prior written consent of the Authority and on such terms as may be required by the Authority.

This bond is transferable only upon the books of the Issuer by the registered owner in person or the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the transfer agent, duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the Ordinance, and upon payment of the charges, if any, therein prescribed.

It is hereby certified and recited that all acts, conditions and things required by law to be done precedent to and in the issuance of this bond have been done and performed in regular and due time and form as required by law.

IN WITNESS WHEREOF, the City of Livonia, County of Wayne, State of Michigan, by its City Council has caused this bond to be executed with the manual or facsimile signatures of its Mayor, its City Clerk and its Treasurer, and the corporate seal of the City to be impressed or imprinted hereon, all as of the Date of Original Issue.

CITY OF LIVONIA

By________________________________

Its Mayor

(Seal)

Countersigned:
By______________________________
Its City Clerk
By:______________________________
Its: Treasurer
DEQ Project No.: 7453-01
DEQ Approved Amt: $__________

SCHEDULE A
Based on the schedule provided below unless revised as provided in this paragraph, repayment of the principal of the bond shall be made until the full amount advanced to the Issuer is repaid. In the event the Order of Approval issued by the Department of Environmental Quality (the "Order") approves a principal amount of assistance less than the amount of the bond delivered to the Authority, the Authority shall only disburse principal up to the amount stated in the Order. In the event (1) that the payment schedule approved by the Issuer and described below provides for payment of a total principal amount greater than the amount of assistance approved by the Order (2) that less than the principal amount of assistance approved by the Order is disbursed to the Issuer by the Authority, the Authority shall prepare a new payment schedule which shall be effective upon receipt by the Issuer, or (3) that any portion of the principal amount of assistance approved by the Order and disbursed to the Issuer is forgiven pursuant to the Order, the Authority shall prepare a new payment schedule which shall be effective upon receipt by the Issuer.

Maturity Date Principal Amount
October 1, 2023 $250,000
October 1, 2024 $255,000
October 1, 2025 $260,000
October 1, 2026 $265,000
October 1, 2027 $270,000
October 1, 2028 $275,000
October 1, 2029 $280,000
October 1, 2030 $285,000
October 1, 2031 $290,000
October 1, 2032 $295,000
October 1, 2033 $300,000
October 1, 2034 $305,000
October 1, 2035 $310,000
October 1, 2036 $320,000
October 1, 2037 $325,000
October 1, 2038 $330,000
October 1, 2039 $335,000
October 1, 2040 $345,000
October 1, 2041 $350,000

October 1, 2042 $355,000
Interest on the bond shall accrue on that portion of principal disbursed by the Authority to the Issuer which has not been forgiven pursuant to the Order from the date such portion is disbursed, until paid, at the rate of 1.875% per annum, payable October 1, 2021 and semi-annually hereafter.
The Issuer agrees that it will deposit with the Authority's Depository, or such other place as shall be designated in writing to the Issuer by the Authority payments of the principal of, premium, if any, and interest on this bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise. In the event that the Authority's Depository has not received the Issuer's deposit by 12:00 noon on the scheduled day, the Issuer shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment.

<u>Section 14.</u> Bondholders' Rights; Receiver. The holder or holders of the Bonds or Junior Lien Bonds representing in the aggregate not less than twenty per cent (20%) of the entire principal amount thereof then outstanding, may, by suit, action, mandamus or other proceedings, protect and enforce the statutory lien upon the Net Revenues of the System, and may, by suit, action, mandamus or other proceedings, enforce and compel performance of all duties of the officers of the Issuer, including the fixing of sufficient rates, the collection of Revenues, the proper segregation of the Revenues of the System and the proper application thereof. The statutory lien upon the Net Revenues, however, shall not be construed as to compel the sale of the System or any part thereof.
If there is a default in the payment of the principal of or interest upon the Bonds or the Junior Lien Bonds, any court having jurisdiction in any proper action may appoint a receiver to administer and operate the System on behalf of the Issuer and under the direction of the court, and by and with the approval of the court to perform all of the duties of the officers of the Issuer more particularly set forth herein and in Act 94.
The holder or holders of the Bonds and the Junior Lien Bonds shall have all other rights and remedies given by Act 94 and law, for the payment and enforcement of the Bonds and the Junior Lien Bonds and the security therefor.

<u>Section 15.</u> Additional Bonds. The Issuer may issue additional bonds of equal standing with the Junior Lien Bonds for the following purposes and subject to the following conditions:
(a) To complete the Project in accordance with the plans and specifications therefor. Such bonds shall not be authorized unless

the engineers in charge of construction shall execute a certificate evidencing the fact that additional funds are needed to complete the Project in accordance with the plans and specifications therefor and stating the amount that will be required to complete the Project. If such certificate shall be so executed and filed with the Issuer, it shall be the duty of the Issuer to provide for and issue additional revenue bonds in the amount stated in said certificate to be necessary to complete the Project in accordance with the plans and specifications plus an amount necessary to issue such bonds or to provide for part or all of such amount from other sources.

(b) For subsequent repairs, extensions, enlargements and improvements to the System or for subsequent repairs, extensions, enlargements and improvements to the System and for the purpose of refunding part or all of the Junior Lien Bonds then outstanding and paying costs of issuing such additional Junior Lien Bonds. Junior Lien Bonds for such purposes shall not be issued pursuant to this subparagraph (b) unless the Adjusted Net Revenues of the System for the then last two (2) preceding twelve-month operating years or the Adjusted Net Revenues for the last preceding twelve-month operating year, if the same shall be lower than the average, shall be equal to at least one hundred percent (100%) of the maximum amount of principal and interest thereafter maturing in any operating year on the then outstanding Senior Lien Bonds, Junior Lien Bonds and on the additional Bonds then being issued. If the additional Junior Lien Bonds are to be issued in whole or in part for refunding outstanding Junior Lien Bonds, the annual principal and interest requirements shall be determined by deducting from the principal and interest requirements for each operating year the annual principal and interest requirements of any Junior Lien Bonds to be refunded from the proceeds of the additional Junior Lien Bonds. For purposes of this subparagraph (b) the Issuer may elect to use as the last preceding operating year any operating year ending not more than sixteen months prior to the date of delivery of the additional Junior Lien Bonds and as the next to the last preceding operating year, any operating year ending not more than twenty-eight months prior to the date of delivery of the additional Junior Lien Bonds. Determination by the Issuer as to existence of conditions permitting the issuance of additional Junior Lien Bonds shall be conclusive. No additional Junior Lien Bonds of equal standing as to the Net Revenues of the System shall be issued pursuant to the authorization contained in this subparagraph if the Issuer shall then be in default in making its required payments to the Operation and Maintenance Fund or the Redemption Fund.

(c) For refunding a part or all of the Junior Lien Bonds then outstanding and paying costs of issuing such additional Junior Lien Bonds including deposits which may be required to be made to the bond reserve account, if any, for such Junior Lien Bonds. No additional Junior Lien Bonds shall be issued pursuant to this subsection unless the maximum amount of principal and interest maturing in any operating year after giving effect to the refunding shall be less than the maximum amount of principal and interest maturing in any operating year prior to giving effect to the refunding.

Section 16. Negotiated Sale; Application to EGLE and Authority; Execution of Documents. The Issuer determines that it is in the best interest of the Issuer to negotiate the sale of the Series 2021 Bonds to the Authority because the Drinking Water State Revolving Fund financing program provides significant interest savings to the Issuer compared to competitive sale in the municipal bond market. The Authorized Officers are hereby authorized to make application to the Authority and to the EGLE for placement of the Series 2021 Bonds with the Authority. The actions taken by the Authorized Officers with respect to the Series 2021 Bonds prior to the adoption of this Ordinance are ratified and confirmed. The Authorized Officers are each authorized to execute and deliver the Purchase Contract, the Supplemental Agreement, the Revenue Sharing Pledge Agreement and the Issuer's Certificate. Any Authorized Officer is further authorized to execute and deliver such contracts, documents and certificates as are necessary or advisable to qualify the Series 2021 Bonds for the Drinking Water State Revolving Fund. Prior to the delivery of the Series 2021 Bonds to the Authority, any Authorized Officer is hereby authorized to make such changes to the form of the Series 2021 Bonds contained in Section 13 of this Ordinance as may be necessary to conform to the requirements of Act 227, Public Acts of Michigan 1985, as amended ("Act 227"), including, but not limited to changes in the principal maturity and interest payment dates and references to additional security required by Act 227.

Section 17. Covenant Regarding Tax Exempt Status of the Bonds. The Issuer shall, to the extent permitted by law, take all actions within its control necessary to maintain the exemption of the interest on the Series 2021 Bonds from general federal income taxation (as opposed to any alternative minimum or other indirect taxation) under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditure and investment of Series 2021 Bonds proceeds and moneys deemed to be Bond proceeds.

Section 18. Approval of Bond Counsel. The representation of the Issuer by Miller, Canfield, Paddock and Stone, p.l.c. ("Miller Canfield"), as bond counsel is hereby approved, notwithstanding the representation by Miller Canfield of the Authority in connection with the Drinking Water State Revolving Fund program which may include advising the Authority with respect to this borrowing.

Section 19. Approval of Bond Details. The Authorized Officers are each hereby authorized to adjust the final bond details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing is authorized to exercise the authority and make the determinations authorized pursuant to Section 7a(1)(c) of Act 94, including but not limited to determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, and other matters, provided that the principal amount of Series 2021 Bonds issued shall not exceed the principal amount authorized in this Ordinance, the interest rate per annum on the Series 2021 Bonds shall not exceed one and seven-eighths percent (1.875%) per annum, and the Series 2021 Bonds shall mature in not more than twenty (20) annual installments.

Section 20. Savings Clause. All ordinances, resolutions or orders, or part thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, repealed.

Section 21. Severability; Paragraph Headings; and Conflict. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be part of this Ordinance.

Section 22. Publication and Recordation. This Ordinance shall be published in full in the Livonia Observer, a newspaper of general circulation in the Issuer qualified under State law to publish legal notices, promptly after its adoption, and shall be recorded in the Ordinance Book of the Issuer and such record authenticated by the signatures of the Mayor and the City Clerk.

Section 23. Effective Date. Pursuant to the provisions of Section 6 of Act 94, this Ordinance shall be approved on the date of first reading and accordingly this Ordinance shall be effective upon its adoption and publication.

ADOPTED AND SIGNED THIS 26th day of April, 2021.

Signed ______________________________
Its Mayor

Signed ______________________________
Its City Clerk

I HEREBY CERTIFY that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Livonia, County of Wayne, State of Michigan, at a regular meeting held on the 26th day of April, 2021, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present at said meeting:
McCullough, Donovic, Toy, Bahr, White and McIntyre

and that the following Members were absent:
Jolly

I further certify that Member Scott Bahr moved for adoption of said Ordinance and that said motion was supported by Member Laura Toy.

I further certify that the following Members voted for adoption of said Ordinance:
McCullough, Donovic, Toy, Bahr, White and McIntyre

and that the following Members voted against adoption of said Ordinance:
None

I further certify that said Ordinance has been recorded in the Ordinance Book and that such recording has been authenticated by the signatures of the Mayor and the City Clerk.

I further certify that said Ordinance has been recorded in the Ordinance Book and that such recording has been authenticated by the signatures of the Mayor and the City Clerk.

__________________________________ City Clerk
Susan M. Nash

On a motion by Toy, supported by McCullough, and unanimously adopted,

it was:

#138-21 RESOLVED, that having considered a communication from the City Engineer, dated April 14, 2021, which bears the signatures of the Director of Public Works, Director of Finance and the City Attorney, and is approved for submission by the Mayor, to which is attached a letter from OHM Advisors, dated April 14, 2021, the Council does hereby accept the bid of Bidigare Contractors, Inc., 939 S. Mill St., Plymouth, Michigan 48170, for performing all work required in connection with the water main improvements related to DWSRF Project No. 7453-01, Project Areas 4, 5 and 6, located at Botsford Park Subdivision (Section 1), Thomas F. O'Connor's Park View Acres Sub (Section 12) and Garden Farms Subdivision (Section 12), for a total amount not to exceed $4,306,408.00, with inspector day costs to be included in the construction engineering (CE) costs, to be approved by City Council, based upon the Engineering Division's estimate of units involved and subject to the final payment based on the actual units completed in accordance with the unit prices accepted herein, said amount and unit prices having been in fact the lowest bid received and meets all specifications; FURTHER, the Council does hereby authorize an appropriation and expenditure in an amount not to exceed $4,306,408.00 from funds in the Unexpended Fund Balance of the Water and Sewer Fund (592) for this purpose, said amount to be reimbursed from the proceeds of the 2021 Drinking Water Revolving Fund Revenue Bonds; 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 bidder and to do all other things necessary or incidental to the full performance of this resolution.

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

#139-21 RESOLVED, that the Council does hereby suspend their rules for procedure as outlined in Council Resolution 574-82 so as to permit consideration of items that do not appear on the Agenda.

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

#140-21 RESOLVED, that having considered a communication from the Department of Law, dated April 12, 2021, which bears the signatures of the Director of Public Works, the Superintendent of Public Works and the Director of Finance, and is approved for submission by the Mayor, regarding additional expenditure for the cost of an emergency sewer repair and/or replacement along Edgewood Drive, the Council does hereby authorize an additional expenditure in the not-to-exceed amount of $1,963,000.00, in addition to the initial expenditure in an amount not to exceed $500,000.00, approved by Council pursuant to CR #246-20, adopted on August 17, 2020, for a total project cost in an amount not exceed $2,463,000.00, to be divided and distributed among the following vendors/contractors:

D'Angelo Brothers, 30750 Eight Mile Road, Farmington, MI 48336;

Sod Solutions, 14382 Sunbury, Livonia, MI 48154;

NTH Consultants, 41780 Six Mile Road, Northville, MI 48168; and

Hubbell, Roth & Clark, Inc. (HRC), 555 Hulet Drive, Bloomfield Hills, MI 48302

Gorman-Rupp Pump Company, 600 S. Airport Road, Mansfield, OH 44903

Joe Rotondo Construction, 20771 Randall St., Farmington Hills, MI 48336

Hard Rock Concrete, 38146 Abruzzi Drive, Westland, MI 48185

in amounts to be determined in connection with their respective roles in completing all work required in connection with the emergency sewer repair and/or replacement along Edgewood Drive, including the design, permitting and construction of the emergency sewer replacement; FURTHER, the not-to-exceed amount of $1,963,000.00 is hereby authorized to be expended from the Unexpended Fund balance of the Water and Sewer Fund (592) for this purpose; FURTHER, the Council does hereby authorize such action without competitive bidding for the reasons indicated in the aforesaid communication, and such action is taken in accordance with Section 3.04.140D.1 of the Livonia Code of Ordinances, as amended; and the Mayor and City Clerk are hereby authorized to execute contracts, approved as to form and substance by the Department of Law, for and on behalf of the City of Livonia with the aforesaid companies and to do all other things necessary or incidental to the full performance of this resolution.

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

#141-21 RESOLVED, that having considered a communication from the Department of Civil Service, dated April 20, 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 Sections 8(A) Employee Discipline and 8(C) Strategy, in connection with the negotiation of collective bargaining.

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

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

NAYS: None

The President declared the resolution adopted.

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

#142-21 RESOLVED, that having considered a communication from the Department of Law, dated April 22, 2021, approved for submission by the Mayor, the Council does hereby authorize the Department of Law to resolve the claims brought on behalf of Dwayne Love; Wayne County Circuit Court Case No. 19-013049-NI; for the amount of $40,000.00, and the Department of Law is hereby authorized to do all things necessary or incidental to the full performance of this resolution.

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

#143-21 RESOLVED, that having considered a communication from the Department of Law, dated April 22, 2021, approved for submission by the Mayor, the Council does hereby authorize the Department of Law to resolve the claims brought on behalf of Susan O'Donohue-Williams; Wayne County Circuit Court Case No. 19-013904-NI; for the amount of $40,000.00 and the Department of Law is hereby authorized to do all things necessary or incidental to the full performance of this resolution.

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

On a motion by Toy, supported by Bahr, and unanimously adopted, this 1,919th Regular Meeting of the Council of the City of Livonia was adjourned at 8:53 p.m. on April 26, 2021.

Susan M. Nash, City Clerk