MINUTES OF THE ONE THOUSAND NINE HUNDRED TWENTIETH

REGULAR MEETING OF MAY 10, 2021

On May 10, 2021, the above meeting was called to order via remote Zoom technology by President Kathleen McIntyre at 7:00 p.m. Councilmember Rob Donovic led the meeting in the Pledge of Allegiance.

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

Elected and appointed officials present: Mark Taormina, Director of Planning and Economic Development; Todd Zilincik, City Engineer; Paul Bernier, City Attorney; Susan M. Nash, City Clerk; Doug Moore, Assistant Director of Public Works; LaShawn Thomas, Director of Governmental Affairs; 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 White, it was:

#144-21 RESOLVED, that the minutes of the 1919th Regular Meeting of the Council held April 26, 2021 are approved as presented.

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

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

NAYS: None

PRESENT: Jolly

The President declared the resolution adopted.

Councilmember Jolly announced the retirement of Paul Calleja who served twenty-five years with the Livonia Police Department.

Councilmember Toy spoke about the passing of Esther Friedrichs and the many contributions she made to the Livonia community.

Vice President Bahr wished his daughter Kelsey and his wife a happy birthday.

President McIntyre also sent birthday wishes to John Unsworth from the Livonia Fire Department, and Mike Slater, Director of Finance.

She then wished her son Patrick Culliton and the whole Class of 2021 from Detroit Catholic Central, congratulations on their graduation.

President McIntyre addressed the issue of mask wearing mandates stating it is not under the municipality's control and/or authority.

She then commented on the actions of the Police Officer who saved a four-year old girl's life after a shooting in Times Square.

Vice President Bahr commented on the retirement of Detroit Police Chief James Craig and the integrity that he displayed while he held the position.

President McIntyre announced there is New Data on Item Nos. 7, 8 and 11.

She then stated there will be a Public Hearing being held on Wednesday, June 2, 2021 at 7:00 p.m. in the Auditorium of City Hall, 33000 Civic Center Drive, Livonia, Michigan, on the following matter:

Petition 2021-03-01-01 submitted by Fadie Kadaf, pursuant to Section 23.01 of the City of Livonia Zoning Ordinance #543, as amended, requesting to rezone the property at 28200 Seven Mile Road, located on the north side of Seven Mile Road between Inkster Road and Brentwood Avenue in the Southeast ¼ of Section 1, from OS (Office Services) to R-7 (Multiple Family Residential).

President McIntyre said that starting June 14, 2021, City Council will resume in person meetings once again, following the return to work standards set forth by the State.

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

During Audience Communication the following residents spoke about tree removal along Blue Skies:

Brent Sabo, 14587 Blue Skies
Tom Crowley
Melissa Barnes
Carol Anderson

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

#145-21 RESOLVED, that upon the motion by Councilmember Rob Donovic, seconded by Vice President Scott Bahr, at the Regular Meeting held May 10, 2021, that the Council does hereby refer the subject matter of tree removal and replacement during road and sewer repair to the Committee of the Whole for its report and recommendation.

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

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

NAYS: None

The President declared the resolution adopted.

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

#146-21 RESOLVED, that having considered a communication from the Mayor, dated April 15, 2021, wherein she has requested approval of the reappointment of Stephanie Blatt (Roehl), Consumers Energy: 11801 Farmington Road Livonia, Michigan 48150, to the Livonia Plymouth Road Development Authority as a Representative of the Business/Property Owners in the District and serve for a three-year term expiring May 16, 2024, pursuant to Section 3.16.060 of the Livonia Code of Ordinances, as amended, and Act No. 197 of the Public Acts of Michigan of 1975, as amended, the Council does hereby confirm and approve such reappointment.

#147-21 RESOLVED, that having considered a communication from the Superintendent of Parks and Recreation, dated April 1, 2021, which bears the signatures of the Director of Finance and the City Attorney and is approved for submission by the Mayor, to which is attached an Intergovernmental Agreement between the County of Wayne and the City of Livonia in connection with utilizing grant funds in the amount of $149,579.00 to be used for improvements at Bicentennial Park and Clements Circle Pool, with the proposed City's participation in an amount estimated at $100,000.00, the Council does hereby approve the proposed Intergovernmental Agreement between the County of Wayne and the City of Livonia and the Mayor and City Clerk are hereby authorized, for and on behalf of the City of Livonia, to execute the Intergovernmental Agreement in the manner and form herein submitted, subject to approval as to form and substance by the Department of Law, and to do all other things necessary or incidental to the full performance of this resolution; FURTHER, the Council does hereby authorize an advance expenditure in an amount not to exceed $149,579.00, plus an additional $100,000.00 for the City's proposed matching funds, for a total amount not to exceed $249,579.00 from funds already budgeted in Account No: 101-709-974-000 ($142,733.00 for Bicentennial Park) and ($6,846.00 for Clements Circle Pool) for this purpose; FURTHER, this contract is for 20/21 and all projects will be budgeted for the 21/22 fiscal year, such projects to be completed with City funds and reimbursed by the County; FURTHER, the total cost of these projects is projected to be $456,000.00, with additional monies to be contributed by CDBG and Healthy Livonia.

#148-21 RESOLVED, that having considered the report and recommendation of the Assistant Director of Public Works, dated April 5, 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 one (1) Case 580SN Backhoe 2WD Tractor, utilizing the Sourcewell Purchasing Program (formerly NJPA) which was awarded to Southeastern Equipment Co., Inc., 48545 Grand River, Novi, mi 48374, for an amount not to exceed $97,882.06, to be utilized by the Roads Department (ID #19) and to replace a comparable unit that has outlived its life expectancy; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed $97,882.06 from Account No. 401-000-987-000 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 Sourcewell bid price under Contract No. 032119-CNH 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 tractor at public auction hosted by the Michigan Inter-governmental Trade Network (MITN) or commercial auction after receipt of the new tractor.

#149-21 RESOLVED, that having considered the report and recommendation of the Superintendent of Public Service, dated April 14, 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 ten (10) Ford 2021 F250 pickup trucks, at a cost of $28,937.00 each, from Signature Ford, 1960 E. Main Street, Owosso, Michigan 48867, for a total amount not to exceed: $289,370.00; and the upfitting of said vehicles by Versalift Midwest, 51761 Danview Technology Ct., Shelby Township, MI 48315, at a cost of $204,324.83, for a grand total not to exceed $493,694.83, to be utilized by the Parks, Roads and Building Maintenance Sections and to replace comparable vehicles which have outlived their life expectancy; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed $493,694.83 from Account No: 401-000-985-010 for this purpose; FURTHER, the Council does hereby determine to authorize the said purchase without competitive bidding inasmuch as the same is being purchased through the State of Michigan Department of Vehicle Procurement under Contract No. 071B7700180 and Macomb County Contract #21-18 for the new vehicle purchase; and through MI-Deal Contract No. #071B2200263 for the upfitting of said vehicles; 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 vehicles at public auction hosted by the Michigan Inter-governmental Trade Network (MITN) or commercial auction after receipt of the new vehicles.

#150-21 RESOLVED, that having considered a communication from the Superintendent of Public Service, dated April 16, 2021, submitted pursuant to Council Resolution No. 128-20, adopted on May 11, 2020, which bears the signature of the Director of Finance and is approved for submission by the Mayor, to which is attached a proposed agreement between the City of Livonia and HydroCorp Services, dated February 8, 2021, the Council does hereby approve a three-year extension of the existing contract with Hydrocorp Services, 5700 Crooks Road, Suite 100, Troy, Michigan 48098, for an amount not to exceed $66,276.00 annually ($5,523.00 monthly), for providing the “Cross Connection Control” Program for the City of Livonia to protect the public drinking water supply from contamination for the period May 1, 2021 through April 30, 2024; FURTHER, the Council does hereby authorize an annual expenditure in an amount not to exceed $66,276.00 from funds budgeted in Account No. 592-559-818-000 (Water and Sewer Contractual Services) for the three years from May 1, 2021 to April 30, 2024 for this purpose; FURTHER, HydroCorp Services is a sole source provider for a project of this magnitude, and such action is taken in accordance with Section 3.04.140D3 of the Livonia Code of Ordinances, as amended; and the Mayor and City Clerk are hereby authorized, for and on behalf of the City of Livonia, to execute the aforesaid agreement with HydroCorp Services, 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 resolutions with the following result:

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

NAYS: None

The President declared the resolutions adopted.

White gave first reading to the following Ordinance:

AN ORDINANCE AMENDING SECTIONS 020, 050 AND 060 OF TITLE 2, CHAPTER 56 (HISTORIC PRESERVATION COMMISSION) 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.

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

AN ORDINANCE AMENDING SECTION 040 OF TITLE 6 (ANIMALS), CHAPTER O1, OF THE LIVONIA CODE OF ORDINANCES, AS AMENDED.

Motion by Jolly, supported by McCullough, to strike the language of electronic collars as an alternative to leash from the Proposed Ordinance.

Vice President Bahr offered a Friendly Amendment to the above change to exclude the last sentence of the proposed Ordinance.

Jolly and McCullough accepted the Friendly Amendment.

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

RESOLVED, to send the language of the proposed Ordinance to the Committee of the Whole for its report and recommendation.

A roll call vote was taken on the substitute motion with the following result:

AYES: Donovic, Bahr and White

NAYS: Jolly, Toy, McCullough and McIntyre

The substitute motion failed due to lack of support.

Following further discussion by Council and Audience Members, a roll call vote was taken on the Amendment to the Ordinance offered by Jolly, supported by McCullough, with the following result:

AYES: Donovic, Jolly, Toy, White and McCullough

NAYS: Bahr and McIntyre.

The Amendment to the Ordinance passed.

Jolly took from the table, for second reading and adoption, the Ordinance as amended:

AN ORDINANCE AMENDING SECTION 040 OF TITLE 6 (ANIMALS), CHAPTER O1, OF THE LIVONIA CODE OF ORDINANCES, AS AMENDED.

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

AYES: Donovic, Jolly, Toy, White and McCullough

NAYS: Bahr and McIntyre

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

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

AN ORDINANCE AMENDING SECTION 350 OF TITLE 6, CHAPTER 1 (ANIMALS), KNOWN AS "THE LIVONIA CODE OF ORDINANCES", AS AMENDED.

Motion by McCullough, supported by Jolly, to amend the above Ordinance by eliminating Section E of the language of the Ordinance.
Discussion was held by Council.

President McIntyre passed the gavel to Vice President Bahr at 8:55 p.m. to speak on the issue.

President McIntyre also stated there was New Data on Items No. 7 and 8 but was not received within the 24-hour time frame prior to the meeting.

Following discussion by Council and Audience Members, a roll call vote was taken on the amended Ordinance to eliminate Section E with the following result:

AYES: Jolly, Toy, and McCullough

NAYS: Donovic, Bahr, White and McIntyre

Vice President Bahr declared the motion failed for lack of support.

Following discussion by Council, a roll call vote was taken on the original Ordinance Amendment with the following result:

AYES: None

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

The Vice President declared the second read and adoption failed due to lack of support.

President McIntyre resumed the gavel at 9:09 p.m.

White took from the table for second reading and adoption the following Ordinance:

AN ORDINANCE VACATING THE USE OF PORTIONS OF STREET, ALLEY AND PUBLIC GROUND. (Petition 2021-01-03-01)

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

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

NAYS: None

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

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

#151-21 RESOLVED, that having considered the report and recommendation of the Superintendent of Parks & Recreation, dated April 6, 2021, which bears the signature of the Director of Finance and is approved for submission by the Mayor, the Council does hereby accept the bid of Everwild, 1802 Perrysburg Holland Rd., Holland, OH 43528 for completing all work required in connection with the 2021 Parks and Recreation Branding Project as identified in Livonia Vision 21 as part of Healthy Communities for a total amount not to exceed $35,000.00; FURTHER, the Council does hereby authorize the expenditure of a sum not to exceed $35,000.00 from funds already budgeted in Account No. 208-756-813-000 for this purpose; FURTHER, the Council does hereby reject the bids of Guidestudio, Mlive Media Group, Brandfirst and Milo-Detroit in view of the Community Resources and Parks and Recreation departments reviewing the proposals and interviewing the top two firms based upon the scoring system in the Request for Proposal.

A communication from John D. Gaber, Esq. Williams, Williams, Rattner & Plunkett, P.C., Attorney for Petitioner, dated May 6, 2021, re: forwarding additional information regarding Petition 2021-01-02-01, as requested by Council at the April 26, 2021 Study Meeting, 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:

#152-21 RESOLVED, that having considered a communication from the City Planning Commission, dated April 1, 2021, approved for submission by the Mayor, which transmits its resolution #02-03-2021, adopted on February 23, 2021, with regard to Petition 2021-01-02-01 submitted by Stein Investment Company, L.L.C. requesting approval to develop and operate a climate-controlled, indoor self-storage facility on property located on the north side of Plymouth Road between Sears Drive and Merriman Road (31100 Plymouth Road) in the Southwest ¼ of Section 26, the Council does hereby refer this item to the Committee of the Whole for its report and recommendation.

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

On a motion by Toy, supported by Bahr, and unanimously adopted, this 1,920th Regular Meeting of the Council of the City of Livonia was adjourned at 9:25 p.m. on May 10, 2021.

Susan M. Nash, City Clerk