

MINUTES OF THE ONE THOUSAND NINE HUNDRED TWENTY-FIRST
REGULAR MEETING OF MAY 24, 2021

On May 24, 2021, the above meeting was called to order via remote Zoom technology by President Kathleen McIntyre at 7:00 p.m. Councilmember Laura Toy led the meeting in the Invocation.

Roll was called with the following result: Laura Toy (Livonia, Michigan); Scott Bahr (Livonia, Michigan); Cathy White (Livonia, Michigan); Brandon McCullough (Livonia, Michigan); Rob Donovic (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; Doug Moore, Assistant Director of Public Works; LaShawn Thomas, Director of Governmental Affairs; Ted Davis, Superintendent of Parks and Recreation; Dave Varga, Director of Administrative Affairs; Denise Maier, Director of Human Resources; Don Rohraff, Director of Public Works; Jacob Rushlow, Superintendent of Public Service; Lynda Scheel, Treasurer; Sara Kasprovicz, Manager of Council Office; and Casey O'Neil, Director of Information Systems.

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

#153-21 RESOLVED, that the minutes of the 1920th Regular Meeting of the Council held May 10, 2021, are approved as presented.

Councilmember Donovic, back from military duty, thanked everyone who helped out during his deployment.

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

#154-21 RESOLVED, that upon the motion by Councilmember Rob Donovic, seconded by Vice President Scott Bahr, at the Regular Meeting held May 24, 2021, that the Council does hereby refer the subject matter of residential blight to the Committee of the Whole for its report and recommendation.

Councilmember Toy congratulated all of the graduates of 2021.

Vice President Bahr thanked Donovic for his service and staying abreast of Council matters and in touch with residents of the City.

He then announced that he and his wife will be celebrating their 19th wedding anniversary on Wednesday and wished her a happy anniversary.

President McIntyre wished Police Chief Curtis Caid happy birthday, as well as LaShawn Thomas, Director of Governmental Affairs.

She then stated there is New Data on Item No. 20 which is from the Administration and was accepted and the 24-hour rule waived, and that there is an X-item at the end of the Regular Agenda.

President McIntyre stated the City of Livonia cordially invites all of their residents and friends of Livonia to participate in a special Memorial Day Ceremony on Saturday, May 29th, at 9:00 a.m. at the corner of Five Mile and Farmington Roads. There will be music performed by the Livonia Civic Chorus and keynote speaker Officer Theresa Hudson.

She welcomed back Councilmember Donovic.

She then announced the next Council meeting, being held June 14th, will be held in person in the Auditorium.

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

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

A communication from the Department of Finance, dated April 29, 2021, re: forwarding various financial statements of the City of Livonia for the month ending February 28, 2021, was received and placed on file for the information of

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the Council.

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

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

#155-21 RESOLVED, that having considered an application from Jennifer Hewitson, 36516 Parkdale Street, Livonia, MI 48150, dated April 29, 2021, requesting permission to barricade Van Court between 36516 Parkdale and Raleigh, each day, from Monday, August 2, 2021 through Friday, August 6, 2021, from 9:30 a.m. to 12:30 p.m., for the purpose of conducting Vacation Bible School, the Council does hereby grant permission to barricade Van Court between 36516 Parkdale and Raleigh, each day, from Monday, August 2, 2021 through Friday, August 6, 2021, from 9:30 a.m. to 12:30 p.m., the action taken herein being made subject to the approval of the Police Department.

#156-21 RESOLVED, that having considered a communication from the Mayor, dated April 27, 2021, wherein she has requested approval of the reappointment of Charlotte Mahoney, 18633 Williams Court, Livonia, MI 48152, to the Economic Development Corporation of the City of Livonia Board of Directors for a six-year term expiring June 7, 2027, the Council does hereby confirm and approve such reappointment.

#157-21 RESOLVED, that having considered a communication from the Mayor, dated April 27, 2021, the Council does hereby approve of and concur in the reappointment of Elizabeth McCue, 11311 Berwick, Livonia, MI 48150 to the City Planning Commission for a term of three years, which will expire on June 9, 2024.

#158-21 RESOLVED, that having considered a communication from the Mayor, dated April 27, 2021, the Council does hereby approve of and concur in the reappointment of Carol Smiley, 19862 Stamford, Livonia, MI 48152 to the City Planning Commission for a term of three years, which will expire on June 9, 2024.

#159-21 RESOLVED, that having considered a communication from the Mayor, dated April 27, 2021, the Council does hereby approve of and concur in the reappointment of Ian Wilshaw, 36376 Fairway, PO Box 530397, Livonia, MI 48152 to the City Planning Commission for a term of three years, which will expire on June 9, 2024.

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#160-21 RESOLVED, that having considered the report and recommendation of the Chief of Police, dated April 20, 2021, which bears the signatures of the Finance Director and the City Attorney, and is approved for submission by the Mayor, to which is attached a communication from Randy Hazel, Chief Deputy, Calhoun County Sheriff's Office, the Council does hereby accept the bid submitted by Calhoun County Sheriff's Office, 161 East Michigan Avenue, Battle Creek, Michigan 49014, to provide transportation and housing for Livonia misdemeanor prisoners, as outlined in the aforesaid communication, for a two-year period, at a rate of \$53.20 per day for year one and \$54.53 per day for year two, with an option for two additional years at a rate of \$55.89 per day for year three and \$57.29 per day for year four; the same having been the sole bid received which meets all specifications; FURTHER, the Council does hereby authorize an expenditure from funds budgeted in Account No. 101-304-761-400 for this purpose; and the Mayor and City Clerk are hereby authorized, for and on behalf of the City of Livonia, to execute an agreement, subject to approval as to form and substance by the Department of Law, with the aforesaid organization and to do all other things necessary or incidental to the full performance of this resolution.

#161-21 RESOLVED, that having considered the report and recommendation of the Chief of Police, dated April 21, 2021, which bears the signatures of the Finance Director and the City Attorney and is approved for submission by the Mayor, submitted pursuant to Council Resolutions 188-16, adopted on May 4, 2016, in connection with the renewal of the contract between the City of Livonia and Livonia Towing, Inc., to perform police towing and storage services, the Council does hereby find that a) Livonia Towing, Inc. is the only towing service located within the City of Livonia with a lot of sufficient size to service the level of towing demands of the Police Department; and b) the possession of such a lot is a longstanding requirement of City towing contracts, and does therefore hereby authorize the renewal of the contract between the City of Livonia and Livonia Towing, Inc., 12955 Levan, Livonia, Michigan 48150, for a period of one (1) year from June 6, 2021 through January 31, 2022, for police towing and storage services under the same pricing, terms and conditions of the previous agreement, to allow time for preparation and development of a competitive bid for these services; the same to be expended from funds already budgeted in Account No. 101-304-818-000 for this purpose; FURTHER, Livonia Towing, Inc. shall abide by the towing and storage rates and fees established in Section 10.21.240 of the Livonia Code of Ordinances, as amended; FURTHER, the Council does hereby waive the performance bond requirement for the reason that said requirement was waived in Council Resolution 116-11; and the Mayor and City Clerk are hereby authorized to execute a contract, approved as to form and substance by the Department of Law, for and on behalf of the City of Livonia with Livonia Towing, Inc.; FURTHER, the Council does

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hereby authorize the action herein without competitive bidding for the reasons indicated in the aforesaid communication, including the short term of the contract extension, and such action is taken in accordance with the provisions set forth in Section 3.04.140D3 of the Livonia Code of Ordinances, as amended.

#162-21 RESOLVED, that having considered the report and recommendation of the Superintendent of Parks and Recreation, dated April 29, 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 Miracle Recreation Equipment Company d/b/a Miracle Midwest, 878 E. Hwy 60, Monett, MO 65708 for performing all work required in connection with the removal of the existing playground structures, excavation, installation of the new playground and safety surface, and restoration of the area at Country Homes Park, for a total amount not to exceed \$124,500.00, the same having been deemed the best design available providing fun and challenging activities for ages 2-12; FURTHER, the Council does hereby authorize the expenditure of a sum not to exceed \$124,500.00 from funds already budgeted in Account No. 208-756-987-000 for this purpose; and the Mayor and City Clerk are hereby authorized, for and on behalf of the City of Livonia, to execute a contract, approved as to form and substance by the Department of Law, with the aforesaid bidder and to do all other things necessary or incidental to the full performance of this resolution.

#163-21 RESOLVED, that having considered the report and recommendation of the Director of Public Works, dated April 26, 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 Ford F150 pickup truck (Veh #447) for a total amount not to exceed \$32,732.00 from Signature Ford, 1960 E. Main Street, Owosso, Michigan 48867, and the upfitting of said vehicle by Truck and Trailer Specialties, 900 Grand Oaks Dr., Howell, MI 48843, at a cost of \$13,635.00, for a total amount not to exceed \$46,367.00, to be utilized by the Building Maintenance Department and to replace a comparable vehicle which has outlived its life expectancy; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$46,367.00 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 the Rochester Hills Co-Op Award Agreement (RFP-RH-20-023) for the upfitting of said vehicle; 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

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the replaced vehicle at public auction hosted by the Michigan Inter-governmental Trade Network (MITN) or commercial auction after receipt of the new vehicle.

#164-21 RESOLVED, that having considered the report and recommendation of the Director of Public Works, dated April 26, 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) Caterpillar Mini Excavator, Model 300.9D with bucket attachments, in an amount not to exceed \$22,528.96 from Michigan Caterpillar, 24800 Novi Road, Novi, MI 48375, to be used by the Roads Department for jobs that a backhoe is too large or heavy for and could cause excessive ground damage; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$22,528.96 from funds budgeted in Account No. 401-000-987-000 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 Sourcewell (formerly NJPA) Contract #032119-Cat; 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.

#165-21 RESOLVED, that having considered the report and recommendation of the Director of Public Works, dated May 11, 2021, which bears the signature of the Director of Finance and is approved for submission by the Mayor, the Council does hereby authorize the purchase of one 2021 Ford F350 4X4 flatbed truck for a total amount not to exceed \$30,961.00 from Signature Ford, 1960 E. Main Street, Owosso, Michigan 48867, and the upfitting of said vehicle by Truck and Trailer Specialties, 900 Grand Oaks Dr., Howell, MI 48843, at a cost of \$32,579.00, for a total amount not to exceed \$63,540.00, to be utilized by the Roads Department (ID# 69); FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$63,540.00 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 the Rochester Hills Co-Op Award Agreement (RFP-RH-20-023) for the upfitting of said vehicle; 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.

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#166-21 RESOLVED, that having considered the report and recommendation of the Director of Public Works, dated April 26, 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 Freightliner single axle RDS dump truck Model 108SD (#27) at a cost of \$88,701.00 and one (1) 2021 Freightliner single axle conventional UTS dump truck Model 108SD (#28) at a cost of \$87,859.00, from Wolverine Freightliner 107 S. Groesbeck, Mt. Clemens, MI 48043, for a total amount not to exceed \$176,560.00; and the upfitting of said vehicles by Truck and Trailer Specialties, 900 Grand Oaks Drive, Howell, Michigan 48843, in an amount not to exceed \$202,140.00; for a grand total not to exceed \$378,700.00, to replace vehicles which have surpassed their life expectancy; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$378,700.00 from funds budgeted for this purpose 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 being purchased through the Rochester Hills Co-Op Award Agreement (RFP-RH-20-023); 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.

#167-21 RESOLVED, that having considered the report and recommendation of the Director of Public Works, dated April 26, 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 four (4) 2021 Ford 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: \$115,748.00; and the upfitting of said vehicles by Truck and Trailer Specialties, 900 Grand Oaks Dr., Howell, Michigan 48843, in an amount not to exceed \$126,500.00; for a grand total not to exceed \$242,248.00, to be utilized by the Water Department (Id#s 442, 477, 478 and 479) 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 \$242,248.00 from Account No: 592-559-142-000 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 the Rochester Hills Co-Op Award Agreement (RFP-RH-20-023) 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

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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.

#168-21 RESOLVED, that having considered the report and recommendation of the Director of Public Works, dated April 26, 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 two (2) 2021 Ford f150 pickup trucks, at a cost of \$32,732.00 each, from Signature Ford, 1960 E. Main Street, Owosso, Michigan 48867, for a total amount not to exceed: \$65,464.00; and the upfitting of said vehicles by Truck and Trailer Specialties, 900 Grand Oaks Dr., Howell, Michigan 48843, at a cost of \$13,635.00 each, for a total amount not to exceed \$27,270.00; for a grand total not to exceed \$92,734.00, to be utilized by the Water Department (Id#s 301 and 302) to replace comparable vehicles which have outlived their life expectancy; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$92,734.00 from Account No: 592-559-142-000 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 the Rochester Hills Co-Op Award Agreement (RFP-RH-20-023) 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.

#169-21 RESOLVED, that having considered the report and recommendation of the Director of Public Works, dated April 26, 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 Freightliner tandem axle dump truck, in an amount not to exceed \$100,523.00, from Wolverine Freightliner, 107 S. Groesbeck, Mt. Clemens, Michigan 48043; and the outfitting of said vehicle by Truck and Trailer Specialties, 900 Grand Oaks Dr., Howell, Michigan 48843, at a cost of \$40,425.00, for a total amount not to exceed \$140,948.00, to be utilized by the Water Department (Id# 319) and to replace a comparable vehicle which has outlived its life expectancy; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$140,948.00 from Account No: 592-559-142-000 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 Rochester Hills Co-Op Award Agreement (RFP-RH-20-023); and such action is taken in accordance with the provisions set forth in Section

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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.

#170-21 RESOLVED, that having considered a communication from the City Planning Commission, dated April 19, 2021, approved for submission by the Mayor, which transmits its resolution #04-14-2021, adopted on April 13, 2021, with regard to Petition 2021-03-02-04 submitted by EJB Enterprises L.L.C. requesting to operate a full-service restaurant with drive-up window facilities (Biggby Coffee) located on the east side of Ann Arbor Road between West Chicago Boulevard and Ann Arbor Trail (38047 Ann Arbor Road) in the Northeast ¼ of Section 31, the Council does hereby concur in the recommendation made by the City Planning Commission and Petition 2021-03-02-04 is hereby approved and granted, subject to the following conditions:

1. That the Site Plan prepared by EJB Enterprises, as received by the Planning Commission of March 11, 2021, is hereby approved and shall be adhered to;
2. This approval is subject to City Council modifying the seating requirement to allow for a maximum of thirty-four (34) seats; otherwise, seating shall be limited to thirty (30);
3. That the loading zoning area behind the building shall be appropriately striped to differentiated it from the adjacent traffic lane serving the drive-thru facilities;
4. That the issue, as outlined in the correspondence dated April 5, 2021 from the Inspection Department that enclosures shall be provided behind the building for the existing dumpsters, shall be resolved to the satisfaction of the Inspection Department;
5. 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;
6. 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;
7. That no LED lightband or exposed neon shall be permitted on this site including, but not limited to, the building or around the windows;
8. That the specific plan referenced in this approving resolution shall be

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submitted to the Inspection Department at the time of application for building permits; and

9. Pursuant to Section 19.10 of Ordinance #543, the Zoning Ordinance of the City of Livonia, this approval is valid for a period of one (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.

#171-21 RESOLVED, that having considered a communication from the City Planning Commission, dated April 19, 2021, approved for submission by the Mayor, which transmits its resolution #04-14-2021, adopted on April 13, 2021, with regard to Petition 2021-03-02-04 submitted by EJB Enterprises L.L.C. requesting to operate a full-service restaurant with drive-up window facilities (Biggby Coffee) located on the east side of Ann Arbor Road between West Chicago Boulevard and Ann Arbor Trail (38047 Ann Arbor Road) in the Northeast ¼ of Section 31, which property is zoned C-1, the Council does hereby approve modification of the 30-seat maximum to which restaurants are limited in C-1 Zoning Districts per Sections 10.03(i) and 2.08 of Zoning Ordinance No. 543, as amended, in connection with the approval of waiver use Petition 2021-03-02-04.

#172-21 RESOLVED, that having considered a communication from the City Planning Commission, dated April 19, 2021, approved for submission by the Mayor, which transmits its resolution #04-15-2021, adopted on April 13, 2021, with regard to Petition 2021-03-02-05 submitted by MNB Dining Inc. requesting to expand the existing food service operation and Class C Liquor License of the existing restaurant (Thomas's Family Dining) to include an outdoor dining patio located on the south side of Plymouth Road between Farmington and Stark Roads (33971 Plymouth Road) in the Northeast ¼ of Section 33, the Council does hereby concur in the recommendation made by the City Planning Commission and Petition 2021-03-02-05 is hereby approved and granted, subject to the following conditions:

1. That the Site Plan received by the Planning Commission on March 15, 2021 is hereby approved and shall be adhered to;
2. That the Enlarged Proposed Patio Plan identified as Sheet No. L-1.0 dated March 3, 2021, prepared by Reliable Landscaping, Inc., is hereby approved and shall be adhered to, including all shown landscaping, which shall be consistent with the character of the PRDA's streetscape design elements;
3. That the maximum number of outdoor patio patron seats shall not exceed a total of twenty (20);

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4. That this approval is subject to the petitioner either reducing the amount of inside seating, expanding the existing parking lot, or being granted a variance from the Zoning Board of Appeals for deficient parking and any conditions related thereto;
5. That the type, sizes or quantity of the plant materials to be planted along the outside edge of the patio shall be installed to the satisfaction of the Inspection Departments and thereafter permanently maintained in a healthy condition;
6. That there shall be no outdoor speakers or sound equipment, including televisions allowed at any time;
7. That all light fixtures shall be aimed and shielded to minimize stray light trespassing across property lines and glaring into adjacent roadways;
8. That any form of outdoor advertising or signage shall be prohibited on any of the patio structures, including the fencing, seating, and tables, without the prior written approval by the City of Livonia Inspection Department;
9. 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;
10. 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;
11. 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;
12. 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
13. Pursuant to Section 19.10 of Ordinance #543, the Zoning Ordinance of the City of Livonia, this approval is valid for a period of one year only from the date of approval by City Council, and unless a building permit is obtained, this approval shall be null and void at the expiration of said period.

#173-21 RESOLVED, that having considered a communication from the City Planning Commission, dated April 30, 2021, approved for submission by the Mayor, which transmits its resolution #04-17-2021,

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adopted on April 27, 2021, with regard to Petition 2021-03-02-07 submitted by Sheldon Center, L.L.C., to expand the existing commercial shopping center, Sheldon Park Village (33111 thru 33251 Plymouth Road), to include the construction and operation of a freestanding full-service restaurant with drive-thru facilities (Dairy Queen), and the construction of a second freestanding building in preparation of operating a limited-service restaurant with drive-thru facilities, located at the southeast corner of Plymouth and Farmington Roads in the Northwest ¼ of Section 34, the Council does hereby concur in the recommendation made by the City Planning Commission and Petition 2021-03-02-07 is hereby approved and granted, subject to the following conditions:

1. That the Site Plan identified as Sheet Number 1, dated January 27, 2021, as revised, prepared by Fenn & Associates, Inc., is hereby approved and shall be adhered to;
2. That the landscaping along Plymouth and Farmington Roads shall be maintained to the satisfaction of the Plymouth Road Development Authority (PRDA);
3. That the Elevations Plan for the Dairy Queen identified as Sheet No. A-3.1, dated April 27, 2021, as revised, prepared by Michael A. Boggio Associates, is hereby approved and shall be adhered to, except that the height of the parapet walls shall be increased, and architectural features such as, but not limited to, spandrel glass, canopies, decorative lighting, cornice treatments, and masonry elements, be added to the rear elevation to improve its appearance, subject to the approval of the Planning Department;
4. That the Elevations Plan for the Second Building identified as Sheet No. A-2c, prepared by J2BA Architects, as received by the Planning Commission on April 27, 2021, is hereby approved, and shall be adhered to, except that architectural features such as, but not limited to, spandrel glass, canopies, decorative lighting, cornice treatments, and masonry elements, be added to the rear elevation to improve its appearance, subject to the approval of the Planning Department;
5. That all rooftop mechanical equipment shall be concealed from public view on all sides by either extending the height of the parapet walls or screening that shall be of a compatible character, material and color to other exterior materials on the building;
6. That the three walls of the trash dumpster areas shall be a minimum of seven feet (7') in height, constructed out of the same brick used in the construction of the buildings or in the event a poured wall is substituted, the wall's design, texture and color shall match that of the buildings and the enclosure gates shall be of solid panel steel construction or durable,

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long-lasting solid panel fiberglass and maintained and when not in use closed at all times;

7. That all light fixtures shall not exceed twenty feet (20') in height and shielded so as to minimize stray light trespassing across property lines and glaring into adjacent roadways;

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

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

10. That within two (2) years from the date that a temporary certificate of occupancy is issued for the first of the two (2) approved restaurants, the shopping center's rear parking lot, including all drive aisles and loading areas, shall be repaired, resealed, and restriped to the satisfaction of the Inspection Department. Parking spaces shall be doubled striped at ten feet (10') wide by twenty feet (20') in length;

11. 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

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

#174-21 RESOLVED, that having considered a communication from the City Planning Commission, dated April 29, 2021, which transmits its resolution #04-18-2021, adopted on April 27, 2021, with regard to Petition 2021-04-08-03, submitted by Shaw Construction, to construct an addition to the existing building located on the east side of Farmington Road between Schoolcraft Road and Lyndon Avenue (13980 Farmington Road) in the Southwest ¼ of Section 22, the Council does hereby concur in the recommendation of the Planning Commission and Petition 2021-04-08-03 is hereby approved and granted, subject to the following conditions:

1. The Site Plan identified as Sheet 1, dated March 26, 2021, prepared by Green Tech Engineering, Inc., is hereby approved and shall be adhered to;

2. Subject to a determination by the Inspection Department, the petitioner may be required to obtain a variance from the Zoning Board of

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Appeals for adding on to a nonconforming building and any conditions related thereto;

3. That where the required masonry screen wall does not currently exist along the north property line, the petitioner shall have the option of either constructing a wall or securing a Property Separation Agreement with the affected residential property owner and filing such agreement with the Livonia Inspection Department prior to the issuance of a Certificate of Occupancy for the addition;

4. The Exterior Building Elevation Plan identified as Sheet No. 1, dated January 7, 2021, prepared by Joseph Philips Architect, L.L.C., is hereby approved and shall be adhered to;

5. Any new light fixtures shall not exceed a height of twenty feet (20') from grade at the base of the light and shall be aimed and shielded to minimize stray light trespassing across property lines or on adjacent roadways;

6. That this site shall meet either the City of Livonia or the Wayne County Storm Water Management Ordinance, whichever applies, and shall secure any required permits, including soil erosion and sedimentation control permits;

7. That the three walls of the trash dumpster area 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. The trash dumpster area shall be maintained and when not in use closed at all times;

8. 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;

9. 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

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

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

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

NAYS: None

The President declared the resolutions adopted.

Vice President Bahr, who chaired the Committee of the Whole Meeting in President McIntyre's absence, reported out on the meeting of May 17, 2021.

- a. Subject matter of tree removal and replacement during road and sewer repair. (CR 145-21)

A letter from Mayor Maureen Miller Brosnan, dated May 24, 2021, re: 2021 Concrete Repair Program Contract 21-J, Maintenance, was received and placed on file for the information of the Council.

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

#175-21 RESOLVED, that having considered the report and recommendation of the Committee of the Whole, dated May 17, 2021, submitted pursuant to Council Resolution 145-21, regarding the subject matter of tree removal and replacement during road and sewer repair, the Council does hereby refer this item to the Administration for consideration of an ordinance regarding urban forestry to include landmark trees, removal and replacement policy, tree credits and citizen petition process.

The following residents spoke on this issue:

Brent Sabo, 14587 Blue Skies
Lisa Drouillard, 9312 Harrison
James Crowley

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

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

NAYS: None

The President declared the resolution adopted.

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This item will remain in Committee.

President McIntyre stated she is sorry she had to miss the Committee of the Whole Meeting and addressed the issue of residents bringing their concerns to Council that are important to them and working out solutions for the future.

White took from the table for second reading and adoption 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.

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

AYES: Toy, Bahr, White, McCullough, Donovic 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 McCullough, and unanimously adopted, it was:

#176-21 RESOLVED, that having considered a communication from the Human Resources Director, dated April 28, 2021, which bears the signatures of the Finance Director and the City Attorney and is approved for submission by the Mayor, and which sets forth resolution no. 21-55, adopted by the Civil Service Commission on April 21, 2021, wherein it is recommended to approve additional positions to the Parks and Recreation classification levels and increase the Level 9 starting pay for various Parks and Recreation jobs, the Council does hereby concur in and approve the recommendation of the Civil Service Commission regarding those changes as outlined in the aforementioned communication and attachments thereto.

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

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#177-21 RESOLVED, that having considered the report and recommendation of the City Engineer, dated April 29, 2021, which bears the signature of the Director of Public Works, and is approved for submission by the Mayor, the Council does hereby authorize the forfeiture of the financial assurances now on deposit with the City for Churchill Place Condominium, located on the north side of Joy Road, east of Newburgh Road, in the S.W. 1/4 of Section 32, pursuant to Council Resolution 425-03, adopted on August 27, 2003, specifically:

- a) General Improvement \$5,000.00 (all cash)
- b) Sidewalk \$2,000.00 (all cash)
- c) Entrance Markers/Landscaping \$1,500.00 (all cash)

Due to the project never being completed, but in accordance with the City's standards and specifications, maintenance and additional construction of the detention pond was still required to control the flow of storm water across this property and lessen the impact on the adjacent properties. The proprietor has completed the necessary work and submitted an invoice in the amount of \$8,500.00 for payment; FURTHER, in order to close this project, the Council does hereby authorize the forfeiture of the financial assurances in the amount of \$8,500.00 to process payment for the detention pond work completed by Sole Underground; the action herein being taken is for the reasons indicated in the aforementioned report of the City Engineer and in accordance with the rules and regulations and ordinances of the City of Livonia.

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

it was:

#178-21 RESOLVED, that having considered a communication from the Director of Human Resources, dated May 14, 2021, which bears the signatures of the Finance Director and the City Attorney and is approved for submission by the Mayor, the Council does hereby approve the Separation and Release Agreement and Letter of Understanding regarding former employee separation and authorizes the Civil Service Department to do all things necessary or incidental to the full performance of this resolution.

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

it was:

#179-21 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.

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

#180-21 RESOLVED, that having considered a communication from the Superintendent of Public Service, dated May 20, 2021, submitted pursuant to Council Resolution 132-20, adopted on May 11, 2020, 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 a proposed amendment to the Engineering contract between the City of Livonia and OHM Advisors, for providing services relative to the DWSRF water main replacement projects, the Council does hereby authorize a contract amendment and accepts the bid of D & D Water & Sewer, Inc., 5700 S. Sheldon, Canton, MI 48188, for performing all work required in connection with the water main improvements related to DWRF Project No. 7452-01, to include an additional segment of water main replacement from Cavell Street between 5 Mile Road and Oakley Street at an amount not to exceed \$371,836.56 for the additional work, 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 the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute the attached contract amendment between the City of Livonia and OHM Advisors, 34000 Plymouth Road, Livonia, MI 48150, to provide design and construction engineering services relative to DWRF Project No. 7452-01, specifically the water main replacement from Cavell Street between 5 Mile Road and Oakley Street, for an amount not to exceed \$70,000.00 for the additional services; FURTHER, the Council does hereby authorize an appropriation and expenditure in an amount not to exceed \$371,836.56 from budgeted funds of the Water and Sewer Fund for purposes of paying for the additional services provided pursuant to the above-referenced contract amendments, for an amended total additional expenditure of \$441,836.56; and the Mayor and City Clerk are hereby authorized, for and on behalf of the City of Livonia, to execute contract amendments, approved as to form and substance by the Department of Law, with OHM Advisers and D&D Water and Sewer, Inc., and to do all other things necessary or incidental to the full performance of this resolution.

Jacob Rushlow, Superintendent of Public Service, was present to discuss this matter.

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

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

NAYS: None

The President declared the resolution adopted.

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

On a motion by Bahr, supported by McCullough, and unanimously adopted, this 1,921st Regular Meeting of the Council of the City of Livonia was adjourned at 8:09 p.m. on May 24, 2021.

Susan M. Nash, City Clerk