

**CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD JUNE 14, 2021**

Meeting was called to order in the Auditorium of City Hall, 33000 Civic Center Drive, at 8:35 p.m. by President Kathleen McIntyre. Present: Cathy White; Brandon McCullough; Rob Donovic; Jim Jolly; Laura Toy; Scott Bahr; and President Kathleen McIntyre. Absent: None.

Cathy White led the meeting in the Pledge of Allegiance.

Elected and appointed officials present: Mark Taormina, Director of Planning and Economic Development; Todd Zilincik, City Engineer; Paul Bernier, City Attorney; Susan Nash, City Clerk; LaShawn Thomas, Director of Governmental Affairs; Greg Yon, Captain, Livonia Police Department; Ted Davis, Superintendent of Parks and Recreation; Denise Maier, Director of Human Resources; Sara Kasproicz, Manager of Council Office; and Casey O'Neil, Director of Information Systems.

President McIntyre announced there is New Data on Item No. 12

AUDIENCE COMMUNICATION Karen Bonano, Executive Director of Livonia Save Our Youth Coalition stated she wanted to thank everyone for their continued support in the lease agreement they have with the City and to let you know what an honor it is and how humbling it is to do the work that we do with the Foundation right here in our City Center. So, thank you. I apologize, I missed my opportunity at the last meeting. It was my innocent ignorance on Council protocol and some bad information. Thank you very much.

President McIntyre thanked her and the work she does and congratulations on the very successful 5K this past Saturday.

NEW BUSINESS

1) REQUEST TO WAIVE THE CITY'S NOISE ORDINANCE: Dan West, President, Livonia Chamber of Commerce, re: to host a gathering with live music at Ford Field, 33841 Lyndon, on Friday, July 30, 2021, from 7:00 p.m. to 11:00 p.m.

Dan West, President of Livonia Chamber of Commerce, presented this request to Council. He said it's good to see all of you in 3-D. I appreciate the time you're giving and the consideration today. How this started was about less than a month ago when it appeared that the State's orders limiting social interactions were going to reach some sort of conclusion around July 1st. We started talking with Livonia Parks and Recreation about possible getting together a fun evening. One of the more enjoyable things of our town is the Spree and the beer tent and the bands and it's just a chance for so many friends and neighbors to get together and see each other. And so, since Spree was not able to roll this year, we thought we would try to replicate it for one evening in an event we're calling the "Love Livonia Party", which would be on Friday, July 30th, at Ford Field.

What we have cooking is that within the four ballfields right there will be fenced in, it will be a 21 and older crowd. We have two bands playing for the evening. One is Twisted Tarantulas, which is more of a classic rock, southern rock type band which will play for 90 minutes. And then Power Play Detroit which will play for two hours and that is more of a pop cover band. And we have O'Malley's which will be setting up a bar and food area since they have an offsite permit of which they're allowed to apply for, so we contacted them. And then we got all the full lemon of porta-potties and private security and all that good stuff going on. But probably one of the more things which is pertinent to the application that we have here today is that we have contracted a sound company that we would control over, not the bands. So, we met with them last week and they will have directional sound which is being considered for the nearby neighborhood there at Ford Field and also to be able to control it to where it – I'm sure in the distance it will echo but not nearly as loud to the other homes in that area right there so we're being considerate of that. But more importantly, if it gets too loud we have control over it as the event organizers with that. So, with this event we are asking City Council's approval for the Noise Ordinance waiver for up to 12:00 midnight, but our plan is to be done by 11:00 o'clock, we're just asking for that hour of flexibility in the case that there's a technical delay, a weather delay or something like that. So, that's basically the petition and I'm here for any questions you may have.

President McIntyre said or if the Boomers go crazy and we won't leave until we hear one more Chicago song or something, right?

West replied I think that's when Frank will direct you to O'Malley's for the indoor afterglow.

Councilmember Jolly said I know you've reached out to probably all of us and we've all had these discussions and stuff like. You just mentioned private security, and we're all familiar with the Spree being secured by the Livonia Police and a lot of reserve forces and CERT members and stuff like that. Can you briefly explain why the need for private security and how they would interact with the Livonia Police Department?

West replied we did a walk-thru last week with Livonia Police, the Blue Line Group, Parks and Recreation, and then some of the other vendors involved and in talking with Chief Caid, he thought it was appropriate that we had private people within the fences in area, within the event, and then Livonia Police would handle the things outside of the fenced in area. So that is how that is being coordinated. And just we're trying to make sure people aren't hopping over the fence to get in, it's a 21 and older crowd, and also to help support the check-in, wrist banding, all that type of stuff to make sure that people of age are in the area.

Jolly said when we you say private security you mean Blue Line and West replied Blue Line, yes. Jolly said you could have avoided the question altogether if you would have just said Blue Line, somebody who we are familiar with and who we know.

West said Mike Riley and his group are talking with Chief Caid and Gregg Yon who is here as well, and Tom Goralski met with our selection.

Councilmember Toy said thank you, Mr. West, for bringing us this good idea. Is this a free event pretty much?

West replied we're going to charge \$10.00 admission to get in but we have a lot of sponsors to help with the logistics of the costs of all of this as well. But pending the schedule that we're allowed to put together, that's when we'll start ticket sales, we have not started ticket sales yet.

Councilmember Donovic said thanks, Mr. West, for coming tonight, I appreciate it, and thanks for all the work the Chamber does. I know it's 7:00 p.m. to 11:00 p.m., you think any kids are coming, are there any kids activities outside the fenced in area?

West replied it's one of the things we talked of, there are no kids, we're only focused on what goes within the fenced in area and that's where the Livonia Police Reserves will be watching out there to make sure nothing inappropriate is going on or outside of that. But no, there's no kids, it's a 21 and older event. We're just trying to get friends and neighbors together for a night after what we've been through the last year and a half and that's all we're simply trying to put together here.

Donovic asked if there is food there and West replied yes, O'Malley's plans to have a limited menu of food there as well.

Councilmember Jolly offered an approving resolution for the Consent Agenda.

Vice President Bahr asked West if he wanted the Noise Ordinance waiver from 7:00 to midnight and West replied said, yes, I want the waiver till midnight in case of any kind of weather delay. Bahr said I just caught that because our agenda says 7:00 to 11:00, so I assume we'd want to make a motion and Jolly can confirm that we'd want to make sure that the resolution that we pass in a couple weeks matches Mr. West's intent.

West said if I may add, we are looking at maybe tweaking the schedule a little bit towards 6:00 to 11:00 because of the transition of the bands. So, we may open at 6:00, the first band would play from 6:30 to 8:00, there would be an hour to transition into the new band and the next band would play from 9:00 to 11:00.

Jolly said for logistical sake, I'll put it from 5:00 to midnight.

DIRECTION:

APPROVING

CONSENT

2) REQUEST TO WAIVE THE CITY'S NOISE ORDINANCE: James McGartland, Owner, Sports Locker Bar & Grill, re: to host a three (3) day event with live music in parking lot of business located at 30375 Plymouth Road on Friday, August 6, 2021, from 5:00 p.m. to 11:00 p.m., Saturday, August 7, 2021 from 2:00 p.m. to 11:00 p.m. and Sunday, August 8, 2021 from 2:00 p.m. to 9:00 p.m.

James McGartland, Owner of Sports Locker Bar & Grill, presented this request to Council. He said they are request a Noise Waiver; we put this event on obviously before Covid two years ago, we had a great turnout and we figures that we would spruce it up a little bit more this time and try and run a three-day event ending Friday and Saturday night at 11:00 p.m. and then running into Sunday night ending at 9:00 p.m., ending the event. We're hoping to have anywhere from ten to twelve bands come in and run it on our property, pretty much the same that we did last year. We put a tent in the parking lot out, running the fencing around and bringing in security as well with an outdoor bar and \$10 entrance each day.

Councilmember Donovan asked if the petitioner had done this before and McGartland replied they ran a one-day event on a Saturday. Donovan asked if it was the same time frame as proposed here and McGartland said I believe we requested until 11:00, but I think we ended up running until about 10:30. Donovan asked how was the turn out; any issues and McGartland replied we had zero issues, it was a great turnout.

Councilmember Jolly said so normally I would kind of question the fact of doing this three days in a row, but you're in the perfect spot in terms of not bothering residents, so good luck.

Councilmember McCullough said I've visited your establishment, been there many times, it's a great place. And as my colleague Mr. Jolly said, yes, you are in a perfect spot. With the pandemic I remember being there last year during the Father's Day bash, you guys had stuff and I'm very happy to see that you guys are still doing well obviously post pandemic. So, with this I hope that this can spark up the new post pandemic, you guys have a great time. What were the dates again?

McGartland replied August 6th, 7th and 8th.

McCullough said you'll promote it on your website, hopefully my family and I can stop by and have some fun, too. So, if there's no objection I'd like to offer an approving for Consent.

Councilmember Toy said what I want to comment is I think it's super that you're doing this and I wish you all success because those of us in business have really taken a hit, here, there and everywhere. The thing that concerns me is I guess we're going to take these individually, so if Joe Blow down at Eagles Bar comes in and wants three days or maybe four or five, where does that set a precedence, that's all. I'm not trying to use you as an example but anyways I'm just suggesting to the Council as we explore these kind of venues that we're taking it case by case. As was pointed out, your business is

in a remote area, if you will, a great area, Plymouth Road is a wonderful street. But you know by the same token we have to consider everybody else and be as fair as possible. So, thank you for doing this. I would be remiss if I didn't bring up that point because I felt it was important and I wish you much success.

President McIntyre stated one thing I always remember about you, Mr. McGartland, is every Taste of the Spree since you've had your business, you're there. And I've commented to you that that just sends a signal, right, about well, first of all it's good business. It gives you publicity, but second of all as you know they always need vendors for that event. You're always there, you never have an empty table and you always have something really nice there. And we just appreciate that kind of community involvement, so thank you.

McGartland replied we can't wait to get back to it once it comes back.

McIntyre said just one other question about the event, I didn't see this in the paperwork, is this 21 and over?

McGartland replied this one is 21 and older, yes.

DIRECTION: APPROVING CONSENT

3) REQUEST TO WAIVE THE CITY'S NOISE ORDINANCE: Heather McGlaughlin, Project Manager, Loud and Live, re: to host the Hot Wheels Legends Tour event with live music in parking lot of Walmart Supercenter, located at 29555 Plymouth Road on Saturday, August 7, 2021 from 8:00 a.m. to 12:00 p.m.

The Petitioner not being present, Councilmember Jolly offered an approving resolution on the Regular Agenda.

President McIntyre stated the Petitioner is not present because she lives in Wisconsin.

Jolly stated I'm just looking this up right now and it literally is what it sounds like it is, it's a Hot Wheel event for kids and for adults and I think with this agenda I see this in a very positive way. I think the summer of 2021 is going to be party time in Livonia because we've got nothing but events going on and celebrations all over the place.

DIRECTION: APPROVING REGULAR

4) BLOCK PARTY: Ray Franges, Jim and Linda Rumrill, and Ed and Ari Wilson, re: to be held Saturday, August 21, 2021, from 12:00 p.m. to 10:00 p.m. on Brentwood Street, between Meadowlark Street and Jaquelyn Drive, with rain date of Sunday, August 22, 2021.

Cathy Hasse, 5940 Pontiac Trail, Orchard Lake, presented this request to Council. She stated I am the Chairman of the St. Andrew's Society of Detroit's Highland Games. As you just mentioned, this will be our 172nd Highland Games, we're the oldest continuous games in North America, I won't do a whole sales pitch. But you did say it's party time in Livonia so this would fit right in. And we do have a good party, we have a great relationship with the City, with the Police Department, with the Fire Department, Parks

and Rec now is taking over with this and we look forward to working more with them. We've just had a great run here in Livonia, we support your hotels, we're a member of the Chamber, but it's a good party. And it's a family event all day on Saturday, some of you have been there, I know, Scott and Brandon said he might even come and try and throw the caber. If you have any questions or things about the Highland Games, about our partnership with Livonia.

Councilmember Jolly stated no questions for you, we're very happy to have it. I was actually going to suggest that Mr. Davis does some kind of caber tossing demonstration for us. But on a serious note there is honestly maybe very little happens in Livonia that is not as special as having the bands walking across the field at Greenmead during your event and it's an absolutely great thing and we appreciate continuing to host this.

Councilmember Toy said Cathy, you're like an old shoe, you just keep coming back and you do wonderful work. Maybe that was a bad way to express it.

Hasse said she has not been with the Games for 173 years.

Toy then offered an approving resolution for the Consent Agenda.

President McIntyre stated that last summer so many things were missed, I mean too numerous to count, but I think those of us who have been in Livonia for a long time and enjoyed these games for many years, that was one of the things that just really kind of underscored how our lives – we didn't have the things. And the bands marching, everything else, that is really a special festival as you know and we're very, very proud to have it in Livonia and we can't wait.

Hasse stated they did retain their 171st banner because Greenmead and the City let us, we only could have 100 people, but we did it and we had a few bagpipers and some dancers. We didn't have the tug-of-war and all the other things, but the 100 people that came had a good time, so we can still say we're the oldest.

McIntyre said I should have indicated you found a way to do it but it wasn't able to be the city-wide.

Hasse replied it was almost invitation only and we have a membership in St. Andrew's Society of 450, so there were 350 unhappy people but we did it.

DIRECTION:

APPROVING

CONSENT

7) REQUEST TO EXECUTE THE AMENDED TWO-YEAR CONTRACT BETWEEN THE CITY OF LIVONIA AND THE COUNTY OF WAYNE FOR HOUSING REHABILITATION PROGRAM FUNDING AND HOMEBUYER ASSISTANCE FUNDING; AND REQUEST TO AUTHORIZE THE DIRECTOR OF HOUSING TO APPROVE THE 2022 THROUGH 2024 HOME CONTRACT FUNDING: Livonia Housing Commission, re: to extend the City's participation in the Wayne County Home Investment Partnership Consortia from July 1, 2021 through June 30, 2024, with an

average annual allocation of \$100,000.00 to the City of Livonia. (CR 316-20, 168-18, CR 08-15, CR 397-12, CR 323-12, CR 196-11, and CR 213-09)

Councilman Jolly said all of the numbers President McIntyre stated sound great, I'll offer an approving for Consent. I think everything is in order in the packet and it makes sense.

President McIntyre stated she would ask that it be placed on the Regular only because I think it gives Brandie an opportunity sometimes to talk about what this program is and the importance to stable housing in Livonia and keeping neighborhoods strong.

DIRECTION: APPROVING REGULAR

8) REQUEST FOR APPROVAL TO AMEND THE 2016-2021 CONSOLIDATION PLAN AND 2019-2020 ANNUAL ACTION PLAN: Livonia Housing Commission, re: to allocate CARES Act Funding to the Community Development Block Grant (CDBG) to include activities that prevent and respond to the spread of infectious diseases such as the coronavirus disease 2019 (COVID-19). (CR 140-20, CR 178-19 and 181-16)

Councilmember Toy offered an approving and stated you probably should put this on the Regular because of the nature of it and Brandie can maybe be here for that.

DIRECTION: APPROVING REGULAR

9) REQUEST TO APPROVE SALARY AND FRINGE BENEFIT ADJUSTMENTS FOR THE CLASSIFICATION OF POLICE CHIEF AND DEPUTY POLICE CHIEF: Civil Service Division, re: for the period of December 1, 2020 through November 30, 2023.

Denise Maier, Director of Human Resources, presented this request to Council. She stated it's wonderful to see everyone in person, it's really great, welcome back. As you know, the Livonia Command Officers Association ratified a three-year contract on February 5, 2021. The Agreement is effective 12-1-2020 through November 30, 2023. Historically, the negotiated LCOA Salary and Benefit Adjustments are extended to the Police Chief and Deputy Police Chief classifications. On May 19, 2021 the Civil Service Commission approved the recommended adjusted salary and benefit changes for the Police Chief and Deputy Police Chief classifications. These changes were reviewed with Mayor Brosnan and she's agreed to extend them effective 12-1-2020 if approved by Council. I will be happy to answer any questions about the adjusted salary and benefits.

Councilmember White said I'd be happy to offer an approving on Consent if there are no objections.

Councilmember Toy asked Maier to give Council an example of what those numbers look like.

Maier replied so, mirroring the Livonia Command Officers Association, the three-year salary increases will be as follows:

Effective December 1, 2020	2.5% increase
Effective December 1, 2021	3% increase
Effective December 1, 2022	2% increase

Some of the benefits that were increased include increased personal business time from 16 hours per year to 24 hours per year. We are replacing the \$900 annual dental reimbursement with a new dental insurance plan effective March 1, 2021. Replaced the current optical benefit with a new vision insurance plan that includes an employee contribution of 15% of the costs. Increased City's contribution to the Defined Contribution Pension Plan for all members from 12% to 14%. And number seven is key and successor Police Chief or a Deputy Police Chief that is selected from the LCOA, ranks would have all of the benefits of the current CBA, that was important to have that in there so that there was no question about that.

Toy asked how does this compare with other cities around our size, like Warren, for instance, I know that's not in Wayne County.

Maier replied well, I'm happy to say that we're currently involved in participating in the Conference of Western Wayne Salary Survey, so we're going to have new numbers. We didn't get new numbers in 2020 but we do believe that our benefits and our salary adjustments are competitive.

Toy said so we are able to attract with this kind of salary and Maier replied yes.

Maier stated and these classifications are typically they come from within Livonia.

Toy said I just want to make sure that we're on even ground with other cities if not above.

President McIntyre asked Maier with the condition that this applies to a Successor Chief or Deputy Chief that comes from the LCOA ranks and it's been announced that Captain Goralski will be replacing Chief Caid, so this will apply to Captain Goralski and Maier replied that's correct.

DIRECTION:

APPROVING

CONSENT

10) REQUEST TO APPROVE INCREASE IN COMPENSATION FOR THE DIRECTOR OF EMERGENCY PREPAREDNESS: Department of Civil Service, re: to be in the same compensation range as the Senior Police Sergeant.

Denise Maier, Director of Human Resources, presented this request to Council. She stated on May 19, 2021 the Civil Service Commission approved a request from Mayor Brosnan in conjunction with a proposal from Police Chief Caid seeking a change in the compensation range for the Director of Emergency Preparedness classification. The range includes a top step or Step 5 that mirrors that of a Senior Police Sergeant. You

have a copy of the correspondence from the Mayor that outlines reasons for this request including the exponential increase in responsibilities and scope this position has experienced and the fact that this is a critical position for the safety of our City employees and our community. If approved, the new compensation range will put us in a comparable position with our neighboring communities. This position receives salary reimbursement grant funding of approximately 35% per year through FEMA's Emergency Management Performance Grant and additionally, this position is responsible for obtaining grants for the City. I'll be happy to answer any questions.

Councilmember Toy offered an approved resolution for the Consent Agenda.

Councilmember Jolly stated this question is not indicative of any lack of support for this issue, I think it's well deserved, I think it's appropriate. Were you able to look at this at all in terms of identifying who held this position in other communities; was it typically a responsibility that was held by a uniformed officer or did they have independent or rather civilian persons filling that role as we do.

Maier replied that's not something that I can answer for you today but it would be easy to get the answer to that.

Jolly said it's just a pure curiosity because I know in the past that at certain points we had had that person, a uniformed officer. So, if you could provide that, maybe we could see, it's good to know.

President McIntyre stated I think I remember when we moved this position over to civilian. Part of the reason because it was getting expanded responsibilities beyond those that normally fall to our Police Department, and I can't think of one position in this City that I think this is long overdue. And beginning with the first days of Covid when we realized, our Director of Emergency Preparedness was called upon to deal with policy, to deal with politics, to figure out conflicting guidelines from Federal, from State. State guidelines that were being issued multiple times a week that contradicted each other as well as all the practical operational things and trying to find grants at the time, and equipment, and everything else. And there were a great number of people who worked extremely hard during Covid and everyone as we've discussed in the City should be commended for what was done, taking furloughs, everything that was asked of everyone who worked for the City they stood up and did. I don't think there's one person in the City during Covid who worked harder than our Director of Emergency Preparedness or had more on his or her shoulders just in terms of scope of responsibility. Everybody played a role, so 100% and overdue.

Maier said if I may, as far as leadership is concerned, I don't know how we would have gotten through it without Brian Kahn.

President McIntyre said and that was the comment. And again, it's compensation, you always want to look at not the person but the position. But I think what this says to me is we better make sure that in the unfortunate event that Mr. Kahn ever decides to retire

and we hope he doesn't, but that whoever comes next the expectations are set, right, by what we're doing with this position. But this is very much overdue because we've seen what falls with this position. So thank you for bringing this to us. And that was offered on Consent by Councilmember Toy.

DIRECTION:

APPROVING

CONSENT

11) WAIVER PETITION: Planning Commission, re: Petition 2020-11-02-10 submitted by LS Equity L.L.C., to revise the plans approved by City Council on January 13, 2021 (CR 14-21) for proposed re-development of the commercial shopping center (Shoppes of Livonia), including demolishing a portion of the existing building, constructing a full-service restaurant with drive-thru facilities (Chick-fil-A), constructing an addition and renovating the exterior façade of the existing building, and constructing a multi-tenant retail building with drive-thru facilities, on property located on the north side of Plymouth Road between Haller Avenue and Middlebelt Road (29250-29350 Plymouth Road) in the Southwest ¼ of Section 25.

Mark Taormina, Director of Planning and Economic Development, presented this request to Council. As you indicated, this is a request to revise the plans for the Shops of Livonia, which was the name given to the shopping complex at the northeast corner of Middlebelt and Plymouth Roads. And as originally presented this property that's going to be redeveloped in three phases. The first phase involved demolishing a portion of the existing shopping center and constructing a new Chick-fil-A Restaurant, and that's identified here on the plans. Phase II involves the development of a new out lot building identified on the plans as Retail I near Plymouth Road. And then Phase III would entail reconstructing most of the shopping center's front and side facades as well as additions to that building. So, what the Petitioner is asking now are for a number of changes. The basic plan still looks the same, what has changed is a new addition is proposed off of the rear of the building identified as Retail I. I'll show you what that looks like, that's this area back here, this expansion area really is for the purpose of a truck dock, but along with that that would include a compactor and temporary generator as well as an enclosed recycling and dumpster area. With that change also is a reduction in the size of the addition that was at the rear of Tenant II. This area was originally shown at about 5,300 square feet, it's now been reduced to 3,500 square feet. And what that does along with the widening of the drive approach on Middlebelt Road, it allows trucks to service the area behind this Tenant Space I, proceed east and be able to turn around and exit out the same driveway. And the benefit there is that it prevents trucks from maneuvering through the parking lot and going to Plymouth Road. Some additional changes, some additions to the landscaping here, really discouraging trucks from maneuvering in the areas that will be used primarily for patrons of the shopping center. The next change, more significant change, is probably the reduction of the size of this retail building. Originally it was about just under 9,000 square feet; the revised plans show it as 6,000 square feet, about eight parking spaces have been added to the east side of the building. Not a significant change, but it is a reduction overall in the amount of gross leasable area. The parking does change overall, this actually increases the deficiency to about 50 parking spaces. So, originally they were required to go before the Zoning Board of

Appeals with their deficiency of 16 spaces; this increase to 50 spaces. However, I will tell you that under the new Livonia Vision 21 Ordinance, that deficiency would be only twelve spaces. So, one of the things we looked at as you know is changing the parking regulations. In this particular case it's going to substantially reduce the deficiency from 50 down to a total of 12 spaces. Then on the Chick-fil-A, the changes here involve some extensions to the canopy, there's one on the west side of the building, I'll show you a rendering of what that looks like. What they would like to do is extend that canopy out from the building west for a distance of about 30 feet. And what that does is it covers the two pick-up lanes. So, on the west side of the building where you have a pick-up window, that entire area will be covered by a canopy, that allows vehicles and the employees protection. The same thing is happening on the east side of the building where they take the orders. So, two canopies are being added to the design really for the benefit of the employees and the patrons of the drive-up facilities. Two monument signs have been added, but that's something that they would typically be allowed for. There's been minor changes to the bypass lane, but again, nothing significant. Additional landscaping is provided on the plan as well as detailed landscape plan. And then just to really look at what those canopies look like, these are what they look like extended. Probably the best view of the one at the pick-up window is this view, it gives you a sense of scale, and that will require a variance from the Zoning Board of Appeals. That's it. The Planning Commission is recommending approval of all of the changes as submitted.

Councilmember Donovic asked for the canopy are there gutters added on there and Taormina replied those are details that I don't have available. Maybe the owner of the shopping center, Mr. Jarbou, can answer that.

Frank Jarbou came to the podium and stated I'm not too sure about the gutters on those but anything that's cantilever in that size generally has to have – the water has got to go somewhere so I can check on the detail and get it back to Mr. Taormina and he can get it over to you guys.

Donovic said it's interesting water management because you know you have the landscaping right there and if water is just falling off the sides of those, I just wonder what that does to landscaping. Another question is to the north, that entrance where the semi-trucks will be coming and going, is there concern with trucks going one way and the vehicles going the other way from the drive-thru, that's not a concern?

Taormina replied no, those are separated and maybe if I can show you what that looks like. So, the drive-up traffic as you can see here is really confined to the two lanes, there's the striped area. Whether or not there would be additional protection in this area, I'm not sure. But all the traffic really needed for the trucks should be separated from the drive-up traffic.

Councilmember Jolly said so with you bringing these changes before us, are you close to identifying occupants for this property?

Jarbou replied we've got a lot of attraction ever since the news came about Chick-fil-A and what we've done and we've gone from phasing the project from three phases to doing everything at once, so we're really close to identifying, we're in negotiations with two other tenants and somebody that may take the whole pad up front rather than make it small shop space. So, just a lot of things going on right now.

Jolly said in terms of that, I'm happy to hear you say that because I think sometimes these out lots and some of these strip retail facades are just broken up into little stores and sometimes unfortunately some of those don't make it and there's a lot of turnover and stuff like that so if you can get somebody in there that's just one user, maybe more of an established user. Obviously, that's good for you and your bottom line and your security but it's a better product for us as a City as well.

Jarbou said with our firm we've been delving in commercial real estate across Michigan, Ohio and Indiana for the last 25 years and what we look at always is a tenant mix, what complements the center at the very end of the day. And if you're building small shop retail up front out there it's actually – I mean obviously it's easier for us to have one single tenant, a credit union, a bank, or something that obviously fits the ordinance that we can provide there, it's just easier and it helps service the center better. And that's why we even took a look at it and it was originally 9,000 square feet and we said we need to take a better look at this and maybe reduce the size and add a little more parking to it.

Councilmember McCullough stated I love the idea of going to one phase, does this change obviously construction timing, if this canopy still needs to go to the ZBA; when are you targeting breaking ground?

Jarbou said we're submitting, actually, we're trying to work with the Building Department to get a demo permit in advance to start maybe doing some of the demo work as the rest of the permits line up. You have to understand we're not only permitted through the City, but MDOT and Wayne County itself, so I mean it's a process. So, we would hope to, we want to hit the ground running, we have to deliver for pad ready conditions for Chick-fil-A for them to come in and obviously build their own building, that's the kind of deal we struck with them for them to construct it, they like to do that. And then as we continue to move on for the rest of the center and re-façade it and go from there.

McCullough said it sounds good and obviously Office Depot, I think, is no longer, right?

Jarbou replied yes, they've already vacated.

McCullough said the other question I do have and this is through the Chair to Mr. Taormina, does the traffic plan and the stacking the traffic, does that still come over so we make sure we address that for the Chick-fil-A?

Taormina replied if you recall the approving resolution from January requires the Livonia Police Department to approve that temporary stacking plan and that will remain, that's part of the resolution, and all those other conditions remain in effect.

McCullough said overall on the additions and the modifications that you've made, especially having patronized some of the other Chick-fil-A's, that canopy is gold, especially in winter months. Is there a motion on the table yet? I'd be happy to offer an approving for Consent and hopefully get you that permit so you can get those shovels in the ground if there's no objections.

Councilmember Toy stated to the Petitioner, Mr. Taormina, and staff, thank you very, very much for this project, that's very, very needed in that area. Not that it's a bad area, I don't mean it that way, it's just retail-wise and the way things are happening, it's a great shot in the arm for down there, appreciate it so much.

Jarbou stated we appreciate that, too. I don't think I remember telling you in the first time we met, we chased this out of state owner for years in order to sell it to us. It was to the point where we had to jump on a plane to go see him in his own office before he would even take our call. And we knew that it was ripe for redevelopment, we believe in the community, we believe in the area, and we appreciate Mr. Taormina and the rest of the staff working with us.

Councilmember Jolly stated as I drove by there the other day, and everything that you're proposing looks great, and I don't know that you're the person for this or Mr. Taormina, what's going on with the pharmacy on the corner there; is that open or it doesn't appear to be open?

Taormina replied it's under development presently, permits, I believe, have been issued and it will be a medical related use. It will be a mix of tenants, but I think primarily, IHA will be occupying I think part of the building. At least that has been the plan all along and I think actually Mr. Jarbou has been in contact with the owners and the tenants there and I believe things are moving forward to have the building reoccupied shortly.

Jolly said I'm glad to hear that because that would actually would such a waste of opportunity to have you do all this work and have a vacant building squarely on the corner of Middlebelt and Plymouth Road.

Jarbou said I appreciate that and you know we thought the same thing, too, so we reached out to them and we knew a couple people that were working in their organization, they needed a couple things from us on a construction easement, a couple things that they needed done, and we were happy to work with them.

Councilmember Donovic stated through the Chair to the Petitioner, kind of like Councilwoman Toy mentioned, I'm excited for this project, I live right next to it and a lot of neighbors in Clements Circle are talking about it. It's been sitting vacant, the grass is overgrown, it's just an eyesore, and to kind of envision this project and what you're going to bring to the table and the level of investment, it's exciting. I know it's going to offer an exciting time for the residents, I appreciate your investment in the community. Thank you.

President McIntyre stated I just want to say I don't think this one change got called out in our discussion, when I saw that Chick-fil-A wants a flagpole in front of Chick-fil-A, which is fantastic and especially appropriate given that today is Flag Day. Very happy to see that in the proposed changes along with all the other great changes.

DIRECTION:

APPROVING

CONSENT

12) WAIVER PETITION: Planning Commission, re: Petition 2021-03-02-06 submitted by Tiseo Architects, Inc., to construct a freestanding building with drive-thru facilities and add drive-up window facilities to the southern end unit of the shopping center on property located on the west side of Middlebelt Road between Clarita Avenue and Seven Mile Road (19043 thru 19053 Middlebelt Road and 29475 thru 29493 Seven Mile Road) in the Northeast ¼ of Section 11.

Mark Taormina, Director of Planning and Economic Development, presented this request to Council. He stated three months ago Council gave First Reading to the rezoning of this property. Right now it's two different zoning classifications, this is the Mid-Seven Shopping Center at the southwest corner of Seven Mile and Middlebelt Roads. The request on the rezoning is to change the zoning, the entire parcel would be under the C-2 classification and the primary purpose for that is to develop an out lot adjacent to Middlebelt Road and I'll just jump right to that plan. And just to get everyone's reference, this is the main shopping center, as you know, it's anchored by Pet Supplies Plus here at the north end, Planet Fitness occupies a large space near the center of the shopping complex. And then the area that we're looking at primarily is between an existing Boston Market Restaurant and then the Wendy's Restaurant to the south. Now, both the Boston Market and the Wendy's are not on this property, but the proposed out lot within the parking lot of this shopping complex, and this is an enlarged plan of what that would look like. So, it would be a building that would have, a one-story building about 2,000 square feet. It would impact roughly 50 parking spaces; you can see that additional parking would be added adjacent or with the reconfigured immediately to the north. And it also shows the drive-up. So this is primarily to attract a drive-in or a restaurant with drive-thru facilities. You can see the lane that would be used for the drive-in service and the pick-up window located here on the south side of the building. That lane would be able to accommodate sufficient number of vehicles to meet the ordinance requirements. What it does not do is provide a ready by-pass lane. There would be some by-pass opportunities for some of the vehicles as they enter this queue, the queue here to exit out in the parking lot, this is the striped area. So, that's one opportunity but once they get to a certain point they really are stuck in the drive-thru lane until they are able to exit. The building itself would be set back roughly 25 feet from Middlebelt Road right-of-way, the property line. The ordinance requires 60 feet, so this is something that will require a variance. The building itself is a combination of materials that are really intended to match the design of the shopping complex, so that's why you see the brick, the cultured stone and the EIFS, along with the decorative cornice on the top of the building. So, this pretty much matches the design of the main shopping center. In terms of parking, as I indicated, this is going to impact the parking. It does increase, go from a slight surplus to a deficiency under today's standards of 41 parking spaces. When we look at the

ordinance that's coming online, there will be a surplus of 17 parking spaces. So, there may not be the need for the variance depending on the timing between when this project is approved and when the new zoning ordinance gets approved. The other main part of this request and something that the Planning Commission has decided should be put on hold until the impact of the out lot is determined on the traffic and circulation within this shopping complex, is the addition of another drive-up facility located here at the south end of the building. And part of the complication I think that they had in understanding is all of the things happening in this area of the shopping center. You're aware that there was the addition of the teller, the Bank of America, the kiosk that was added here at the south end of the property, the addition of the drive-thru facilities with the out lot, and then the addition of another drive-up operation here, which would be the south end cap of the existing shopping center. And the only way to facilitate traffic for that drive-up would be for the cars to maneuver along the back side of the building. Now, this is a distance of over 500, nearly 600 feet, before they can even get to the pick-up window and they have to go through the service area. The Petitioner is making an effort to clean up the back of the shopping center by putting in paving and putting some of these dumpsters in a better location so as not to interfere with the traffic. But once you get down to the south end, it really goes from a two-way traffic circulation to a one-way traffic circulation, they go with parallel spaces instead of 90 degree parking spaces. The Planning Commission just felt that until this is developed, until the City can get a better understanding of the impact of this that it would be better to hold off on that.

Ted Tiseo, Petitioner, came to the podium and stated it's nice to be back live. He stated we're here to seek approval for the project as fully presented. No, we don't have tenants for either the out lot or the end cap. They've all told the owner as soon as you get site plan approval, let us know and then we'll start negotiating, so they're waiting for that. The out lot is specifically designed to match the colors and materials in the shopping center. Should by some reason the actual tenant changes the design, then yes, we will be back before the City to get approval for that. There is a possibility if we need it that we can provide somewhat of a bypass lane for the out lot similar to what is done next door at the Smoothie King where they would drive straight through and then pull out. So that is available should it be needed. The rear of the center is going to be all cleaned up, everything is going to be in dumpsters. As a matter of fact, talking to the owner the other day, he apologized, he had a family commitment tonight, that he's looking at getting in a compactor to reduce even the number of trash containers that are going to be in the back. Now we have everything in seven enclosures and we're cleaning up the whole back. He's also willing to extend beyond his property line up to the fence. The fence separated two properties are about three feet off. Our property ends at the asphalt paving and the owners of the west center decided to put in a new fence 3 feet off, I think it was a result of putting where the concrete curb was existing and not taking it out. So he's willing to offer to clean that up as well. I did submit some new photos regarding a guardrail at the end of the sidewalk so that there's not an interference for the people should they go further south don't step off in front of the cars coming out of the drive-up window.

President McIntyre stated I should have indicated, Mr. Tiseo, and Mark and Council, that we did have New Data which are the drawings that you've presented.

Vice President Bahr stated we've obviously had a chance to look at this project in detail in the past and when we talked about the rezoning we discussed it quite a bit. I'm in favor of this, and I recognize that it's weird, the drive-thru situation on the shopping center, but I think it's market reality that should constrain that, not us. I don't see any issue from a City perspective with doing that. I question the market viability of it, but if the owner thinks they can make it work, that's fine, and frankly I hope it does work for a couple reasons. Number one, as has already been mentioned, it's going to provide incentive to clean up an alleyway that will end up looking a lot nicer than what it was. The other thing is we know that with these type of shopping centers those end caps are less marketable than the things out by the main road. And these are the, I would presume, the toughest spaces in the shopping center to lease out. And so this is a great way to draw traffic to the back of that shopping center and hopefully make the entire shopping center more vibrant. Not to mention the out lot building that's going out in front of it which we all know what impact that's had on other shopping centers in the City. One other thing that I want to point out that I really like about this is very significant landscaping and green spacing added to this. A couple months ago my family was in Florida and one of the things that always catches my eye down there is how thick the vegetation is in the middle of the parking lots when you go to the grocery store. And I mentioned this to Ben recently and the owner here and they pointed out how hard that is here with the salt and snow and everything and I get it, but this is not Florida like that we're creating here, but that's a big piece of concrete there right now and there's a ton of green space being added on here, way more than I would have expected with the project like this. So, to me there's a lot of things I like about this, perhaps there's more questions, but I would offer an approving if there's no objection for Consent.

Councilmember Jolly stated I agree with pretty much everything Mr. Bahr said and what I'm going to say next is a little crazy, admittedly so. But I trust your reputation that you're going to make this work and I trust all the market stuff that Scott just said as well but I can't help but think those people are going to be looking at that wall at the back of all of the other facilities there. And this is just not, I'm not going to hold you to this, because this is, I'll just say this for everybody else and for the way that we think about these things. This to me seems like a blank white canvas that would be ideal for some sort of mural or some sort of public artwork or something like that. It would also make it something interesting to look at while those people are driving through there. And I know oftentimes I'm calling you professor because you are a long tenured professor, I would really love to see something like that. I would love for you to at least bring it back to them and see if there's something they can do. I know that you know there are plenty of students, plenty of opportunities to have people do this, potentially on the cheap, but make it more interesting as well. I mean we all have those recollections of seeing something cool when we were younger or seeing something that was noticeable, we are in this area of particular and oftentimes everywhere in Livonia there's a lot of change kind of situations that we're looking at and stuff like that, but if there was an opportunity to make this

something interesting, I would like you to at least bring it back to them and if it dies in that conversation, that's fine, but it's worth spending a few minutes to talk about.

Tiseo replied I like your idea and we'll explore that.

Councilmember Donovan asked the Petitioner to Councilmember Jolly's point, that's what I was hoping to accomplish, something along that back wall, because right now it just looks like white cinder block. So, I was hoping that you could do something with that and my question was: what kind of signage is added to direct people to go to that drive-thru because it is unique.

Tiseo replied on the drawings itself, we do have a series of signs that we've been working on with a sign company. So, we would either have to reduce the size of them because I think they're bigger than the ordinance allows or see if we can get a variance for it. So, there will be sufficient signage. Like memory will come back once you go through the drive-thru, you go through an area, you tend to remember the flow. So, it will be the first time used that it will need the signage once you go through there.

Donovic said I would like to note I've been stuck at the Boston Market drive-thru when they ran out of chicken and that was aching me to say the least.

Jolly said I was just going to say what better way to kind of drag people back through that corridor there to have something interesting to look at.

President McIntyre stated I agree with Scott, right, this is not my call as to whether that's a good place, it's business, if they can make that drive-thru work. It's like when we've had comments and arguments about how many stacking positions Starbucks should have. My feeling is Starbucks knows a lot better than we do about how many stacking positions they need. For me, we get that alleyway cleaned up. I think our colleague Jim's idea about looking at, talking to the Arts Commission, is out of the box but who knows, right. I think that's a great comment and it really ties in and this is what we discussed. We get a really ugly alley right now cleaned up, you know, and we get improvement. And the money that's being invested in that center, you know. And again, if the end cap is what Kevin feels that he needs to make that sell, he knows his business better than I do. And it's not adding to, it's a little bit confusing maybe the first time, but it's not adding to the traffic issues on the roads, right, it's not taking away from any of the other businesses, I think it's a positive. And like most of us, I think all of us, we consider very carefully what the Planning Commission's recommendations are and we know they thought long and hard about this and we respect their work, but I think in this case we need to allow the site plan to include the drive-thru without having its main tenant.

Tiseo said thank you, and that's what they did. Mr. Denha, he's owned the center for about six years and he was the old comic store, I think it was there for ten years vacant or so, he can't get any attraction on that corner on that end cap without a drive-thru. Everybody he's talked to says talk to me when you have a drive-thru.

McIntyre replied he knows the business, and you know design, and you know how to make these things work.

Tiseo said we'll do our best.

Councilmember McCullough stated to the Petitioner it took me a while to kind of warm up, I remember when we looked at it the last time there was a lot going on on the site. The biggest concerns I have now, that back alley, is there going to be asphalt upgrades, concrete upgrades and Tiseo replied yes, correct. McCullough said I had a chance to take a deeper dive into this site plan and you know that you might find that a couple of the proposed dumpster locations, you might have to maneuver that. There might be some give and take. But I do like the way that you have it laid out. This goes back to being innovative, we've been built out so long. And that end cap, yeah, it was either the bookstore or comic bookstore that's been out of business, vacant, for three years, five years. So, looking at this, you do have a lot. My biggest stressor is obviously and this goes to the ongoing property maintenance, with the amount of development, and I'm in support, I think this is a great thing, this is going to hopefully lock in some contracts with that end unit and the drive-thru. My biggest concern is just making sure that they keep that line lane marking clearly, because if they don't, that puzzle could get kind of interesting. But you've got a lot going on, again I value your expertise in this and again, I'd like to look back on this in three years and say hey, this is the gold standard of reinventing an old complex.

Councilmember White stated I also have no problem with the drive-thru on the south end, I understand all of the comments that have been made on that, I agree with. Did I hear you say though on the out lot drive-up window for the out lot building that you could possibly put a bypass lane in there?

Tiseo replied what I stated is there is an escape point on the Smoothie King where Mark, could you go to that blow up site plan? We have that stacking right in the back, there appears to be, I think, probably about six spaces. We could literally build straight out onto the aisle rather than have to wait in line to make the turn. So, it would be the same or very similar to what Smoothie King has at their current location which is right next door.

White said so you're still looking for us to waive the ordinance requirement for the bypass lane and Tiseo replied yes.

White asked did someone make a motion already to approve this and Bahr said yes. White asked Bahr are you okay with that second aspect where we would waive the bypass lane for that out lot building?

Bahr asked if Council has to waive the bypass lane in order to move forward?

White replied well, the Planning Commission resolution says that their approval is subject to us waiving that requirement.

