

MINUTES OF THE ONE THOUSAND NINE HUNDRED TWENTY-THIRD**REGULAR MEETING OF JUNE 28, 2021**

On June 28, 2021, the above meeting was called to order in the Auditorium of City Hall, 33000 Civic Center Drive by President Kathleen McIntyre at 7:00 p.m. Councilmember Jim Jolly introduced Boy Scout Pack 852 who led the meeting in the Pledge of Allegiance.

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

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; LaShawn Thomas, Director of Governmental Affairs; Brandie Isaacson, Director of Housing; Sara Kasprowicz, Manager of Council Office; and Casey O'Neil, Director of Information Systems.

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

#197-21 RESOLVED, that the minutes of the 1922nd Regular Meeting of the Council held June 14, 2021, are approved as presented.

Councilmember Donovic thanked Jerome Hanna, Director of Inspection, and his Department, for looking into the demolition of a burned down restaurant, Livonia Grill, at the corner of Plymouth Road and Inkster which should be accomplished within the coming month.

Councilmember Jolly wished a happy 10th birthday to his daughter Lexie and a happy 6th birthday to his son, JD.

#198-21 RESOLVED, that upon a motion by Councilmember Brandon McCullough, seconded by Councilmember Laura Toy, unanimously adopted, at the Regular Meeting of Council held June 28, 2021, that the subject matter of appointments to the Zoning Board of Appeals by Councilmembers be referred to the Committee of the Whole for its report and recommendation.

President McIntyre announced there is New Data on Item No. 7, 9 (a) and 20 and that there is one (1) X-Item that will be heard at the end of the Regular Agenda.

She then announced a Public Hearing being held on Wednesday, July 14, 2021, at 7:00 p.m. in the Auditorium of City Hall, 33000 Civic Center Drive, on the following matter:

Petition 2020-12-06-03 submitted by the City of Livonia Planning Commission to consider the adoption of an updated and re-formatted LIVONIA VISION 21 Zoning Ordinance and LIVONIA VISION 21 Zoning Map. The proposed LIVONIA VISION 21 Zoning Ordinance provides new definitions, creates several new zoning districts and deletes several existing districts, updates the list of permitted and waiver land uses for each zoning district, provides new requirements and regulations for lot sizes, building setbacks, and lot coverages, off street parking, signs, alternative energy systems, and other regulations for structures and uses, including a new form-based development option for the City's commercial districts.

President McIntyre commented on the condominium collapse in Florida and asked for a moment of silence for the victims and their family members.

Councilmember commented on the passing of Amy Jettman and Sue Soboleski.

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

During Audience Communication Nancy Klein, 33373 Myrna Court, spoke about her volunteer activities with the City for the past 25 years and stated that after serving on the Commission on Aging for the past 18 years she received a letter from the Mayor last week asking her to immediately resign because of a conflict of interest. and indicated she will not be resigning and voiced her disappointment with this action.

Ramona Hadley, 16297 Ellen Drive, Livonia, spoke about her involvement and participation in activities at the Senior Center and Library Book sales and her service with the National Council of Senior Citizens in Washington, D.C., and stated recently she received a letter saying she had been terminated from the Council on Aging with no specifics given.

Wes Nichols, 32940 Summers Street, commented on the mailing of envelopes to residents who pay their taxes and water bills electronically.

Crystal Fulton, Lyons Street, commented on the perceived lack of leadership and lack of accountability from the Livonia Public School's Board of Education and posed questions to Council from United Parents of Livonia Public Schools.

President McIntyre stated that the Livonia City Council and the Livonia City Government does not set any of the policies regarding the public schools. All of the decisions and I think Mr. Jolly wants to comment, too, all of the decisions and policies of Livonia Public Schools are set by the Livonia Public School Administration and the School Board.

Councilmember Jolly said thank you for sharing your questions with us, we got an email as well, we are not in a position in any way to answer any of those questions because we do not have any authority over the Livonia Public Schools, just as Council President said. So thank you for sharing the questions, it's good for us to understand what people are seeing in the community, but there is no interaction on those type of things at all from this building in regard to those policies.

Councilmember Toy asked Fulton if she had approached the Livonia School Board at all or questioned them in any way.

Audrey Rogers, Ladywood Street, addressed Council concerning mask issues in the school system.

Reina Vendramini, W. Chicago Street, addressed Council concerning recommendations for the 2021/2022 school year.

Councilmember Toy stated you need to contact your legislators and your State Senators, that's where it's at, but whatever is happening, that's where you need to go.

Councilmember Donovic stated Council's silence is because they don't have any authority over those particular issues.

A communication from the Department of Finance, dated June 4, 2021, re: forwarding various financial statements of the City of Livonia for the month ending April 30, 2021, was received and placed on file for the information of the Council.

At the direction of the Chair, Item No. 7 was removed from the Consent Agenda and placed on the Regular Agenda.

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

#199-21 RESOLVED, that having considered a communication from Dan West, President, Livonia Chamber of Commerce, dated May 27, 2021, which requests permission to waive Section 8.32.070 (Noise Control) of the Livonia Code of Ordinances, as amended, in order to host a gathering with live music at Livonia's Ford Field-Eddie Edgar Ice Arena complex, located at 33841 Lyndon, scheduled for Friday, July 30, 2021, from 5:00 p.m. to 12:00 Midnight, the Council does hereby determine to waive Section 8.32.070 (Noise Control) of the Livonia Code of Ordinances between the hours of 5:00 p.m. and 12:00 midnight in connection with this event to be held on Friday, July 30, 2021, the action taken herein being made subject to the approval of the Police Department.

#200-21 RESOLVED, that having considered a communication from James McGartland, Owner, Sports Locker Bar & Grill, received by the Office of the City Clerk on May 25, 2021, which requests permission to waive Section 8.32.070 (Noise Control) of the Livonia Code of Ordinances, as amended, in order to host a three (3) day event with live music in the parking lot of the business located at 30375 Plymouth Road, scheduled for 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., the Council does hereby determine to waive Section 8.32.070 (Noise Control) of the Livonia Code of Ordinances between the dates and times indicated above in connection with this event, the action taken herein being made subject to the approval of the Police Department.

#201-21 RESOLVED, that having considered an application from Ray Franges, Jim and Linda Rumrill and Ed and Ari Wilson, 14430 Brentwood, Livonia, MI 48154, dated May 20, 2021, requesting permission to close Brentwood Street, between Meadowlark Street and Jacquelyn Drive, on Saturday, August 21, 2021, from 12:00 p.m. to 10:00 p.m., for the purpose of conducting a block party with music, barbecue, games and firepit, the Council does hereby grant permission as requested, including therein permission to conduct the said affair on Sunday, August 22, 2021, in the event of inclement weather, the action taken herein being made subject to the approval of the Police Department.

#202-21 RESOLVED, that having considered the report and recommendation of the Chief of Police, dated June 1, 2021, which bears the signatures of the Director of Finance and the City Attorney, and is approved for submission by the Mayor, the Council does hereby authorize the purchase of one (1) Eaton Universal Power Supply Unit (UPS) from R.C. Merchant & Co., 23735 Research Drive, Farmington Hills, MI 48335 in an amount not to exceed \$93,519.81, to be utilized by the Police Department and to replace the current UPS Unit and lead/acid batteries

which are at the end of life and the serviceable parts are no longer available; and the installation of said UPS Unit to be completed by RCI Electrical, 32733 Folsom Road, Farmington Hills, MI 48336, the City's approved electrical vendor, for an amount not to exceed \$39,900.00, for a grand total not to exceed \$133,419.81; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$93,519.81 from funds budgeted in Account No. 261-000-987-000 (Capital Outlay-Other) and \$39,900.00 from funds budgeted in Account No. 261-000-818-000 (Contractual Services) for this purpose; FURTHER, the Council does hereby determine to authorize the said purchase without competitive bidding inasmuch as R.C. Merchant & Co. is the Michigan representative and sole source provider of the Eaton UPS System and no advantage to the City would result from competitive bidding, and such action is taken in accordance with the provisions set forth in Section 3.04.140.D.3 of the Livonia Code of Ordinances, as amended

#203-21 RESOLVED, that having considered a communication from the Superintendent of Parks and Recreation, dated May 21, 2021, which bears the signature of the City Attorney and is approved for submission by the Mayor, to which is attached a communication from Cathy S. Hasse, Chair of the 172nd Annual Highland Games, dated May 7, 2021, on behalf of St. Andrew's Society of Detroit, requesting permission to hold the 172nd, 173rd and 174th Annual Highland Games at Greenmead, with the events to be held on Friday, August 6, 2021, Saturday, August 7, 2021, Friday, August 5, 2022, Saturday, August 6, 2022, Friday, August 4, 2023 and Saturday, August 5, 2023, respectively, the Council does hereby grant permission as requested, the action taken herein being subject to the following conditions:

1. That the St. Andrew's Society of Detroit and all equipment operators shall provide the City of Livonia with appropriate insurance policies naming the City of Livonia as additional insured with liability coverage of \$1 million, and all certificates of insurance shall be submitted to the Department of Law for approval by the City prior to each event;
2. That the St. Andrew's Society of Detroit and any vendors involved in the sale of beer or wine on Greenmead property shall provide the City of Livonia with an insurance policy naming the City of Livonia as additional insured with liquor liability coverage in the amount of \$1 million, such certificate to be submitted to the Department of Law for approval by the City prior to each event;
3. That the St. Andrew's Society of Detroit shall execute a hold harmless agreement in favor of the City of Livonia in substance and form acceptable to the Department of Law;

4. That all vendors must obtain transient merchant licenses from the City of Livonia prior to the event, and all necessary licenses and permits from state and county agencies prior to each event;

5. That the St. Andrew's Society of Detroit shall pay the police fee as stated on the City of Livonia Fees/Waivers IV Category Grid as established in Council Resolution 660-03, adopted on December 17, 2003;

Further, the events shall be operated as set forth in the attachment to the aforementioned correspondence, including an annual payment from the St. Andrew's Society of Detroit for use of the property in the amount of \$8,500.00 in 2021, with fees for 2022 and 2023 to be determined, and with the further understanding that the Historical Commission will have the opportunity to realize additional profits from operating three food booths, advanced ticket sales and sales from gift shop operations.

#204-21 RESOLVED, that having considered a communication from the Human Resources Director, dated May 25, 2021, which bears the signatures of the Director of Finance and the City Attorney, and is approved for submission by the Mayor, transmitting resolution no. 21-76, adopted by the Civil Service Commission at its regular meeting of May 19, 2021, recommending salary and fringe benefit adjustments for the classifications of Police Chief and Deputy Police Chief for the period December 1, 2020 through November 30, 2023, the Council does hereby approve of and concur in the aforesaid action of the Civil Service Commission and the salary and benefit adjustments for the classifications of Police Chief and Deputy Police Chief are hereby approved for the period December 1, 2020 through November 30, 2023.

An administrative response from the Chief of Police, dated June 24, 2021, re: Increase in compensation for the Director of Emergency Preparedness, was received and placed on file for the information of the Council.

#205-21 RESOLVED, that having considered a communication from the City Planning Commission, dated May 24, 2021, approved for submission by the Mayor, which transmits its resolution #05-22-2021, adopted on May 18, 2021, with regard to 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, the Council does hereby concur in the recommendation made by the City Planning Commission and Petition 2020-11-02-10 is hereby approved and granted, subject to the following conditions:

1. That the changes as outlined in the letter dated April 13, 2021 from Atwell, L.L.C. are hereby approved, and shall be adhered to;
2. That the Overall Layout Plan identified as Sheet No. C01, dated April 9, 2021, as revised, prepared by Atwell, is hereby approved, and shall be adhered to;
3. That the truck turnaround area behind the main building, shall be paved with concrete;
4. That the Landscape Plan identified as Sheet No. C03, dated April 9, 2021, as revised, prepared by Atwell, is hereby approved, and shall be adhered to;
5. That the fence along the north side of the property and the protective wall on the east side of the property shall be repaired or replaced to the satisfaction of the Inspection Department;
6. That all disturbed lawn areas shall be sodded in lieu of hydroseeding;
7. That underground sprinklers are to be provided for all landscaped and sodded areas and all planted materials shall be installed to the satisfaction of the Inspection Department and thereafter permanently maintained in a healthy condition;
8. That the Exterior Building Elevation Plans for the Chick-fil-A restaurant, identified as Sheet Number A-301 and X-900, both dated March 22, 2021, prepared by Chick-fil-A, are hereby approved, and shall be adhered to;
9. That the Retail 1 – Elevations Plan identified as Drawing No. SD03, dated April 9, 2021, as revised, prepared by NORR, is hereby approved, and shall be adhered to;
10. That the Retail 2 – Elevations Plan identified as Drawing No. SD04, dated April 9, 2021, as revised, prepared by NORR, is hereby approved, and shall be adhered to;

11. That all rooftop mechanical equipment shall be concealed from public view on all sides by screening that shall be of a compatible character, material, and color to other exterior materials on the building;
12. That the enclosed dumpster area behind the Chick-fil-A restaurant shall be enlarged to accommodate three (3) dumpsters;
13. That this approval is subject to the petitioner being granted variances from the Zoning Board of Appeals for deficient parking and deficient building setback and any conditions related thereto;
14. That only conforming wall signage is approved with this petition, and any additional signage shall be separately submitted for review and approval by the Zoning Board of Appeals;
15. That any illumination of the Chick-fil-A canopies shall be limited to the underside of the structure, and all light fixtures shall be recessed and made flush with the established ceiling; and
16. That all other conditions imposed by Council Resolution #14-21, which granted approval to re-develop the commercial shopping center (Shoppes of Livonia), shall remain in effect to the extent that they are not in conflict with the foregoing conditions.

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

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

NAYS: None

The President declared the resolutions adopted.

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

#206-21 RESOLVED, that having considered a communication from the Chief of Police, dated June 24, 2021, and a communication from the Human Resources Director, dated May 25, 2021, which bears the signatures of the Director of Finance and the City Attorney, and is approved for submission by the Mayor, transmitting resolution no. 21-73, adopted by the Civil Service Commission at its regular meeting of May 19, 2021, recommending an increase in compensation for the classification of Director of Emergency Preparedness to be the same compensation range as the Senior Police Sergeant, due to the increased scope and responsibilities of this position, the Council does hereby approve of and concur in the aforesaid action of the Civil Service Commission and the increase in compensation for the Director of Emergency Preparedness to

be in the same compensation range as the Senior Police Sergeant is hereby approved.

A communication received from John D. Gaber, Williams, Williams, Rattner & Plunkett, P.C., dated June 22, 2021, re: providing supplemental information on Petition 2021-01-02-01, was received and placed on file for the information of the Council.

President McIntyre, as Chair of the Committee of the Whole, reported out on the meeting of June 9, 2021.

- a. Subject matter of Petition 2021-01-02-01, submitted by Stein Investment Company, L.L.C., requesting approval to develop and operate a climate-controlled, indoor self-storage facility on property located on the north side of Plymouth Road between Sears Drive and Merriman Road (31100 Plymouth Road) in the Southwest ¼ of Section 26. (CR 152-21)

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

#207-21 RESOLVED, that having considered a communication from the Chief of Police, dated June 24, 2021, and a communication from the Human Resources Director, dated May 25, 2021, which bears the signatures of the Director of Finance and the City Attorney, and is approved for submission by the Mayor, transmitting resolution no. 21-73, adopted by the Civil Service Commission at its regular meeting of May 19, 2021, recommending an increase in compensation for the classification of Director of Emergency Preparedness to be the same compensation range as the Senior Police Sergeant, due to the increased scope and responsibilities of this position, the Council does hereby approve of and concur in the aforesaid action of the Civil Service Commission and the increase in compensation for the Director of Emergency Preparedness to be in the same compensation range as the Senior Police Sergeant is hereby approved.

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

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

NAYS: McIntyre

The President declared the resolution adopted.

Laura Toy, as Chair of the Public Safety, Health & Environment Committee, reported out on the meeting of June 15, 2021.

a. Subject matter of urban environment concerns. (CR 42-20)

#208-21 RESOLVED, that having considered the report and recommendation of the Public Safety, Health & Environment Committee, dated June 15, 2021, submitted pursuant to Council Resolution No. 42-20, regarding the subject matter of urban environment concerns, the Council does hereby determine to receive updates regarding environmental concerns as needed.

This item will remain in Committee.

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

#209-21 RESOLVED, that having considered a communication from Heather McGlaughlin, Project Manager, Loud and Live, dated May 26, 2021, which requests permission to waive Section 8.32.070 (Noise Control) of the Livonia Code of Ordinances, as amended, in order to host the Hot Wheels Legends Tour event with live music in the parking lot of Walmart Supercenter, located at 29555 Plymouth Road, scheduled for Saturday, August 7, 2021, from 8:00 a.m. to 12:00 p.m., the Council does hereby determine to waive Section 8.32.070 (Noise Control) of the Livonia Code of Ordinances between the hours of 8:00 a.m. and 12:00 p.m. in connection with this event to be held on Saturday, August 7, 2021, the action taken herein being made subject to the approval of the Police Department.

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

#210-21 WHEREAS, the U.S. Department of Housing and Urban Development (HUD) awards an annual formula allocation of funds to Wayne County as an Urban County through the HOME Investment Partnership Program (HOME); and

WHEREAS, Wayne County's strategic plan for the expenditure of HUD funds is included in the 2021-2026 Consolidated Plan, which has been approved by HUD; and

WHEREAS, HUD provides for the establishment of a "Consortia" with non-participating jurisdictions to allow for the expenditure of the HOME funds in those communities, thereby increasing the formula allocation of HOME funds to Wayne County; and

WHEREAS, in 2012, Wayne County established a HOME Consortia that includes the non-participating jurisdictions of Livonia, Taylor, Lincoln Park,

Dearborn, and Dearborn Heights, through an Interlocal Agreement that expires on June 30, 2021; and

WHEREAS, HUD requires that the members of the Consortia notify HUD in writing of their intent to continue the Consortia beyond the termination date; and

WHEREAS, The Interlocal Agreement requires that upon the approval of any renewal by the governing body, that each Consortia member authorize the chief official to execute the documents necessary to implement the renewal; and

WHEREAS, the termination of the Interlocal Agreement, and thereby the Consortia, would eliminate the allocation of Wayne County HOME funds to the City of Livonia; NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LIVONIA that this 28th day of June, 2021 the Council supports the renewal of the Interlocal Agreement for the duration of the Wayne County 2021-2026 Consolidated Plan and the Mayor and City Clerk are authorized to execute the Interlocal Agreement in the form attached, subject to approval of the Housing Director and City Attorney. Further, the Council authorizes the Director of Housing to execute the 2022 through 2024 annual funding Contracts with the County of Wayne subject to approval of the Housing Director and City Attorney.

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

#211-21 RESOLVED, that having considered a communication from the Director of the Housing Commission, dated May 26, 2021, wherein she has requested a Substantial Amendment #2 to the Community Development Block Grant (CDBG) 2016-2021 Consolidated Plan CR#181-16 and 2019-2020 Annual Action Plan CR#178-19 to include activities that prevent and respond to the spread of infectious diseases such as the coronavirus disease 2019 (COVID-19).

WHEREAS, the City Council of Livonia has approved the Substantial Amendment to the Community Development Block Grant (CDBG) 2016-2021 Consolidated Plan-CV and 2019-2020 Annual Action Plan, as defined in the Proposed Projects and Use of Funds; Funding will consist of \$196,155.00 plus an additional \$466,546.00 for a total of \$662,701.00 Community Development Block Grant-Coronavirus (CDBG-CV) funds allocated under the Coronavirus Aid, Relief, and Economic Security Acts (CARES Act) Act.

WHEREAS, the projects and programs approved under the Amended Community Development (CDBG) 2016-2021 Consolidated Plan-CV and 2019-2020 Annual Action Plan, are to serve the public purpose and intent of the CARES Act, Public Law 116-136.

NOW, THEREFORE, BE IT RESOLVED, that with the adoption of the Community Development Block Grant - Coronavirus funded projects listed in the Proposed Projects and Use of Funds budget by the City Council of Livonia, the Housing Department Office of Community Development is authorized to prepare and submit the Substantial Amendment 2016-2021 Consolidated Plan-CV and 2019-020 Annual Action Plan to the U.S. Department of Housing and Urban Development. Further, the Director of Housing, Mayor/Clerk shall have the authority to execute the sub-recipient contracts.

Brandie Isaacson, Director of Housing, was present to address the two foregoing Agenda items.

Jolly took from the table for second reading and adoption the following

Ordinance:

AN ORDINANCE AMENDING SECTION 040 OF TITLE 13,
CHAPTER 08 (WATER SERVICE RATES AND REVENUES)
OF THE LIVONIA CODE OF ORDINANCES, AS AMENDED.

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

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

NAYS: None

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

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

Ordinance:

AN ORDINANCE AMENDING SECTION 050 OF TITLE 13,
CHAPTER 08 (WATER SERVICE RATES AND REVENUES)
OF THE LIVONIA CODE OF ORDINANCES, AS AMENDED.

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

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

NAYS: None

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

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

AN ORDINANCE AMENDING SECTION 120 OF TITLE 13,
CHAPTER 20 (LIVONIA SEWAGE DISPOSAL SYSTEM) OF
THE LIVONIA CODE OF ORDINANCES, AS AMENDED.

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

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

NAYS: None

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

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

AN ORDINANCE AMENDING SECTION 130 OF TITLE 13,
CHAPTER 20 (LIVONIA SEWAGE DISPOSAL SYSTEM) OF
THE LIVONIA CODE OF ORDINANCES, AS AMENDED.

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

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

NAYS: None

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

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

AN ORDINANCE AMENDING SECTION 050 OF TITLE 13,
CHAPTER 28 (INDUSTRIAL WASTE SURCHARGE) OF THE
LIVONIA CODE OF ORDINANCES, AS AMENDED.

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

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

NAYS: None

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

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

AN ORDINANCE AMENDING SECTION 11 OF THE ZONING MAP OF THE CITY OF LIVONIA AND AMENDING ARTICLE III OF ORDINANCE NO. 543, AS AMENDED, KNOWN AND CITED AS "THE CITY OF LIVONIA ZONING ORDINANCE" BY ADDING SECTION 3. _____THERETO. (Petition 2020-12-01-07)

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

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

NAYS: None

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

A preliminary site plan, signage, enlarged outlot site plan, and signage, site details, elevations drawings identified as Sheet Nos. P1, P2, and P5, all dated June 15, 2021, as revised, prepared by Tiseo Architects, was received and placed on file for the information of the Council.

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

#212-21 RESOLVED, that having considered a communication from the City Planning Commission, dated May 24, 2021, approved for submission by the Mayor, which transmits its resolution #05-21-2021, adopted on May 18, 2021, with regard to 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, the Council does hereby concur in the recommendation made by the City Planning Commission and Petition 2021-03-02-06 is hereby approved and granted, subject to the following conditions:

1. That the Preliminary Site Plan, Signage, Enlarged Outlot Site Plan, and Signage, Site Details, Elevations drawings identified as Sheet Nos. P1, P2, and P5, all dated June 15, 2021, as revised, prepared by Tiseo Architects, Inc., are hereby approved and shall be adhered to;
2. That the service area behind the shopping center shall be repaired, resealed, and restriped as necessary to the satisfaction of the Inspection Department. That the site's trash dumpsters shall be enclosed. That the three walls of the trash dumpster areas shall be constructed out of building materials that shall complement that of the building. The enclosure gates shall be of solid panel steel construction or durable, long-lasting solid panel fiberglass;
3. That all parking spaces shall be doubled striped at ten feet (10') wide by twenty feet (20') in length;
4. That the Landscape Plan identified as Sheet Number L101, dated May 7, 2021, as revised, prepared by Elements Studio Inc., is hereby approved, and shall be adhered to;
5. That all disturbed lawn areas shall be sodded in lieu of hydroseeding;
6. That underground sprinklers are to be provided for all landscaped and sodded areas and all planted materials shall be installed to the satisfaction of the Inspection Department and thereafter permanently maintained in a healthy condition;
7. That the Outlot Building Elevations Plan identified as Sheet No. P4, dated March 12, 2021, as revised, prepared by Tiseo Architects, Inc., is hereby approved, and shall be adhered to;
8. That all rooftop mechanical equipment shall be concealed from public view on all sides by screening that shall be of a compatible character, material, and color to other exterior materials on the building;
9. That this approval is subject to the petitioner being granted variances from the Zoning Board of Appeals for deficient building setback and deficient parking and any conditions related thereto;

10. That all new pole-mounted light fixtures shall not exceed a height of twenty feet (20') and shall be aimed and shielded to minimize stray light trespassing across property lines and glaring into adjacent roadways;
11. 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;
12. 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;
13. 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;
14. That an artistic mural be placed on the outside rear wall of the building, subject to approval by the Zoning Board of Appeals;
15. 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
16. Pursuant to Section 19.10 of Ordinance #543, the Zoning Ordinance of the City of Livonia, this approval is valid for a period of one (1) year only from the date of approval by City Council, and unless a building permit is obtained, this approval shall be null and void at the expiration of said period.

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

#214-21 RESOLVED, that the Council does hereby suspend their rules for procedure as outlined in Council Resolution 574-82 so as to permit consideration of items that do not appear on the Agenda.

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

#215-21 WHEREAS, the novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death and can be spread from person to person. On March 10, 2020, Governor Gretchen Whitmer declared a state of emergency across the State of Michigan under Section 1 of Article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945PA 302, as amended, MCL 10.31 et seq. as a result of the dangers associated with COVID-19. Further, pursuant to MCL 333.2221 and MCL 333.226(d), the Director of the Michigan Department of Health and Human Services

(MDHHS) has subsequently promulgated rules designed to safeguard public health and prevent the spread of the disease and the existence of sources of contamination.

WHEREAS, the Mayor and the City Council recognize the emergency pursuant to MCL 30.410 and the threat that it poses to the local economy in general and the dining and hospitality industry in particular.

WHEREAS, pursuant to various Executive Orders issued by the Governor and orders of the Director of the Michigan Department of Health and Human Services (collectively, "Executive Orders"), dine-in restaurants were ordered to be closed for dine-in business and/or ordered to significantly reduce dine-in seating. These orders that were designed to prevent the spread of COVID-19 imposed an enormous strain from which local restaurants, their employees, and the public are still recovering.

THEREFORE BE IT RESOLVED, that to assist local restaurants, the City of Livonia, through the Mayor and City Council, any existing full or limited service restaurant with indoor dining that exceeds twelve (12) customer seats is allowed under this Joint Declaration and Resolution to submit a request to the City of Livonia Department of Inspection to temporarily add or expand an existing outdoor dining area. The Director of the Department of Inspection (Director) or any of his duly authorized assistants, together with the City of Livonia Planning Department and Department of Public Safety, shall review an application for a temporary outdoor dining area to ensure compliance with the following items and with any other applicable code or measure deemed necessary to ensure the health, safety and welfare of the public, including patrons and employees and the community as a whole. An application shall be accompanied with plans and drawings with information and details as specified below including the appropriate review and inspection fees. Upon review of an application, the Director of the Department of Inspection shall determine whether to issue the required building, mechanical and occupancy permits for a temporary outdoor dining area. Authorization of a temporary outdoor dining area under this Resolution, with or without an allowance for the sale of alcoholic beverages for consumption on the premises as may be approved by the Michigan Liquor Control Commission (MLCC), shall temporarily waive the requirements for such use or uses as provided for under the City of Livonia Zoning Ordinance No. 543, as amended, and any and all permits granted under this Resolution or its predecessor resolutions shall continue until September 30, 2021, except as set forth below. The following standards for a temporary outdoor dining area shall apply and the application for such use shall include the following information: 1. The location and size of the proposed temporary outdoor dining area in relation to parking and traffic circulation, both on and off the premises, and to streets giving access to it. The layout shall be such that traffic to

and from the use, and the assembly of persons in connection therewith, will not be hazardous or inconvenient nor unduly conflict with normal traffic flow. In applying this standard, the Director shall consider, among other things, convenient routes for pedestrian traffic, the relationship of the proposed temporary outdoor dining area to main traffic thoroughfares, vehicular turning movements, and the location and access of off-street parking. 2. The location and size of the proposed temporary outdoor dining area in relation to existing buildings, structures, or other features located on or off the premises, including paths of ingress and egress to such areas. That the capacity for outdoor dining shall not exceed one-half ($\frac{1}{2}$) of the allowable indoor seating.3. Provisions for adequate lighting, ventilation, electrical, and fire safety.4. Provisions for adequate off-street parking.5. The arrangement, location and spacing of the outdoor seating taking into consideration proper social distancing requirements. 6. The location of any temporary hostess stands, waitstaff stands, restrooms, and consumer gathering areas taking into consideration proper social distancing requirements.7. The limits of an outdoor dining area shall be properly delineated using either a temporary structure (i.e., open-sided tent and/or canopy), or by other means such as temporary bollards, fencing, landscaping, etc.8. Where a liquor license issued by the MLCC allows for the consumption of alcohol on the premises, the temporary outdoor dining area shall be fully enclosed with temporary fencing as approved by the Director and shall be properly secured and equipped with gates or other approved openings to allow for emergency egress. 9. The consumption of all food and alcohol shall be restricted to within the building and the approved limits of the temporary outdoor dining patio.10. The plans shall include adequate provisions for the collection and containment of all refuse.11. Outdoor sound or video equipment, including televisions, live music, or entertainment, shall be prohibited in connection with a temporary outdoor dining area allowed under this Joint Declaration and Resolution.12. All temporary outdoor dining areas allowed under this Joint Declaration and Resolution shall promptly close no later than 10:00 p.m. and shall remain closed for business until no earlier than 8:00 a.m. the following morning. This Joint Declaration and Resolution does not waive the City of Livonia noise ordinance.13. Stormwater and natural drainage flow shall not be impeded.14. Smoking in any part of an approved temporary outdoor dining area is strictly prohibited. BE IT FURTHER RESOLVED, that temporary permits pursuant to this Joint Declaration and Resolution confer no vested rights or conforming use status and are revocable immediately upon the detection of any violation of law or MLCC regulation in connection with operations pursuant to this resolution. Any investments made in pursuit of operations pursuant to this resolution are made purely at the investor's risk. This Joint Declaration and Resolution shall terminate on September 30, 2021.

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

AYES: White, McCullough, Donovic, Jolly, Toy 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 Toy, supported by McCullough, and unanimously adopted, this 1,923rd Regular Meeting of the Council of the City of Livonia was adjourned at 8:47 p.m. on June 28, 2021.

Susan M. Nash, City Clerk