

MINUTES OF THE ONE THOUSAND NINE HUNDRED TWENTY-FIFTH**REGULAR MEETING OF JULY 26, 2021**

On July 26, 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 Rob Donovic led the meeting in the Pledge of Allegiance.

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

Elected and appointed officials present: Mark Taormina, Director of Planning and Economic Development; Todd Zilincik, City Engineer; Paul Bernier, City Attorney; Susan M. Nash, City Clerk; LaShawn Thomas, Director of Governmental Affairs; and Sara Kasprowicz, Manager of Council Office.

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

#232-21 RESOLVED, that the minutes of the 1924th Regular Meeting of the Council held July 12, 2021, are approved as presented.

President McIntyre wished Judge Kathleen McCann a happy birthday as well as former Director of Legislative Affairs, Judy Priebe.

She then announced there is New Data on Items 19 and 21 as well as a public hearing being held in the Auditorium of City Hall, 33000 Civic Center Drive, Livonia, on Monday, August 2, 2021 on the following matter:

Petition 2021-06-01-04 submitted by Speedway L.L.C. pursuant to Section 23.01 of the City of Livonia Zoning Ordinance #543, as amended, requesting to rezone the properties at 13950 Merriman Road and 31324, 31330 and 31374 Schoolcraft Road, located on the northeast corner of Schoolcraft and Merriman Roads in the Southwest $\frac{1}{4}$ of Section 23, from C-1, Local Business to C-2, General Business.

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President McIntyre briefly reviewed the rules for Audience Communication.

During Audience Communication the following people spoke:

Ron and Patty Riggio, 37204 Bretton Drive, addressed long term flooding issues

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

#233-21 RESOLVED, that upon the motion by Councilmember Jim Jolly, supported by Councilmember Rob Donovic, at the Regular Meeting of July 26, 2021, that the Council does hereby refer the subject matter of flooding, infrastructure and watershed issues to the Committee of the Whole for its report and recommendation.

Councilmember Jolly requested that any residents who have areas of intensive need or areas affected by flooding, to contact City Hall immediately so we can have it on our list and we can review those at that meeting.

During Audience Communication, Karen Gee, 19772 Sussex, addressed the issue of flooding in her subdivision and water collecting on her property.

Cynthia and Joseph Ligi, 19760 Sussex, addressed the issue of flooding.

Karla Truxall, 29583 Jacquelyn Drive, spoke about her nonprofit organization, SPN Survivors, whose mission is to engage in the communities to strengthen mental health and prevent suicide in teens and young adults and there will be a ribbon cutting ceremony on August 10th at 4:00 p.m. and Open House to follow.

Councilmember McCullough thanked Truxall for making Livonia their home and for the work that they do.

Vice President Bahr and President McIntyre spoke about the benefits of sending this matter to Committee to discuss in detail with everyone the issues they are facing.

Councilmember Donovic stated that he thinks it's important to put this item in Committee so we can actually look into it deeper. All of the residents are welcome to come out and talk about their issues with department heads and Council.

A communication from the Department of Finance, dated July 1, 2021, re: forwarding various financial statements for the City of Livonia as of May 31, 2021, was received and placed on file for the information of the Council.

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

#234-21 RESOLVED, that having considered an application from Maggie McGrane, 36730 Rayburn, Livonia, MI 48154, dated June 17, 2021, requesting permission to close Rayburn Street, between Levan and Williams, on Saturday, August 21, 2021, from 1:00 p.m. to 10:00 p.m., for the purpose of conducting a block party with music, barbecue, and games, the Council does hereby grant permission as requested, the action taken herein being made subject to the approval of the Police Department.

#235-21 RESOLVED, that having considered an application from Jennifer Thomas, 14054 Sunbury Street, Livonia, MI 48154, dated June 23, 2021, requesting permission to close Harrison between Meadowlark and Lyndon, on Saturday, August 7, 2021, from 12:00 p.m. to 10:00 p.m., for the purpose of conducting a Compton Village Neighborhood Block Party at Dooley Park, with music, bounce house, games, activities for kids, baseball, band, D.J., and food trucks, the Council does hereby grant permission as requested, including therein permission to conduct the said affair on Saturday, August 14, 2021, in the event of inclement weather, the action taken herein being made subject to the approval of the Police Department.

#236-21 RESOLVED, that having considered a communication from Robert Rais, Knights of Columbus, dated June 25, 2021, which requests permission to waive Section 8.32.070 (Noise Control) of the Livonia Code of Ordinances, as amended, to host their 4th Annual Car Show with a DJ providing music at Saint Colette's Catholic Church, 17600 Newburgh Road, on Saturday, August 7, 2021 from 9:00 a.m. to 3:00 p.m., the Council does hereby grant permission as requested.

#237-21 RESOLVED, that having considered a communication from Ian Edgar and Gale Wilcox, dated July 2, 2021, which requests permission to waive Section 8.32.070 (Noise Control) of the Livonia Code of Ordinances, as amended, to host a car show with a DJ providing music in the parking lot of Anastasia and Katie's Coffee Shop, located at 19215 Merriman, on Saturday, August 28, 2021, from 8:30 a.m. to 4:00 p.m., the Council does hereby grant permission as requested, including therein permission to conduct the said affair on Saturday, September 4, 2021 or Saturday, September 11, 2021 in the event of inclement weather.

#238-21 RESOLVED, that having considered the report and recommendation of the Chief of Police, dated July 1, 2021, which bears the signatures of the Director of Finance and the City Attorney and is approved for submission by the Mayor, to which is attached a packet touting the value of membership in the Oakland County Information Technology (CLEMIS) which would provide support and maintenance of the Police Department's Live Scan equipment, together with an array of

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other information services in connection with CLEMIS membership for a period of five (5) years at a membership cost of \$51,355.50 for the second half of 2021; a projected cost not to exceed \$106,819.44 for 2022; \$111,092.21 for 2023; \$115,535.89 for 2024; \$120,157.32 for 2025 and \$62,481.80 for the first half of 2026 (the 2021 through 2026 figures assume an annual increase not exceeding 4%), for a total contract amount not to exceed \$567,442.16; the Council does hereby authorize and approve the City's continued membership for the term and fees aforesaid; FURTHER, the Council does hereby authorize an expenditure from funds already budgeted in Account No. 101-306-851-020 and Account No. 261-000-851-020 for this purpose.

#239-21 RESOLUTION OF CITY COUNCIL OF THE CITY OF LIVONIA AFFIRMING APPROVAL OF THE SENIOR ALLIANCE 2022 ANNUAL IMPLEMENTATION PLAN (AIP) FOR AGING SERVICES

WHEREAS, the City Council of the City of Livonia, Wayne County, Michigan recognizes the role of The Senior Alliance (TSA) as the designated Area Agency on Aging for Southern and Western Wayne County to be responsible for planning, developing, coordinating, monitoring, and managing a comprehensive organized service delivery system of services for older adults and caregivers.

WHEREAS, the 34 communities of Southern and Western County, including the City of Livonia, comprises the Planning and Service Area to the agency's governing body.

WHEREAS, the Office of Services to the Aging require local Area Agencies on Aging to request approvals of their Annual Implementation Plan from their local governments.

WHEREAS, The Senior Alliance has submitted the plan to this honorable body in accordance with federal and state laws.

WHEREAS, The Senior Alliance has held a public hearing for client, caregiver, and service provider population feedback which contributed to the development of the 2022 Annual Implementation Plan (AIP).

NOW, THEREFORE, BE IT RESOLVED, that this honorable body approves the Annual Implementation Plan for FY 2022, as presented to the City.

A communication from the Office of the City Clerk, dated July 13, 2021, attaching a communication from Michael T. Slater, Treasurer, Plymouth Road Development Authority, dated May 17, 2021, re: tax rate

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collection for the 2021 year, was received and placed on file for the information of the Council.

A communication from the Office of the City Clerk, attaching a communication from Alison Smith, Director of Finance, Livonia Public Schools, dated June 14, 2021, re: tax rate collection for the 2021 year, was received and placed on file for the information of the Council.

A communication from the Office of the City Clerk, dated July 13, 2021, attaching a communication from David G. Bergeron, Assistant Superintendent, Clarenceville School District, re: setting forth the tax rate approved by the Board of Education on May 14, 2021 for the 2021-2022 school year, was received and placed on file for the information of the Council.

A communication from the Office of the City Clerk, dated July 13, 2021, attaching a communication from Jon Lamb, CPA, CFO of Schoolcraft College, dated May 19, 2021, re: tax rate collection for the 2021-2022 school year, was received and placed on file for the information of the Council.

A communication from the Office of the City Clerk, dated July 13, 2021, attaching a communication from Michelle Saunders, Executive Director of Financial Services, Oakland Schools ISD, dated May 11, 2021, re: tax rate collection for the 2021-2022 school year, was received and placed on file for the information of the Council.

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A communication from the Office of the City Clerk, dated July 13, 2021, attaching a communication from Tamara Dust, Director of Finance and Compliance, Wayne County Regional Educational Service Agency, dated June 9, 2021, re: tax rate collection for the 2021 school year, was received and placed on file for the information of the Council.

A communication from the Office of the City Clerk, dated July 13, 2021, attaching a communication from Scott T. Vandermergel, MMAO (4), Director of Assessment and Equalization, County of Wayne, dated May 7, 2021, re: requesting that the City collect 5.6347 Charter authorized mills as part of the summer tax collection and the reminder as part of the winter tax collection for the year 2021, was received and placed on file for the information of the Council.

A communication from the Office of the City Clerk, dated July 13, 2021, attaching a communication from Rachael Eubanks, State Treasurer, State of Michigan Department of Treasury, dated April 1, 2021, re: tax rate collection for the year 2021, was received and placed on file for the information of the Council.

#240-21 RESOLVED, that Leo Soave, as proprietor, having requested the City Council approve the proposed Grand Reserve Site Condominium Development (f/k/a Roma Court), located on the south side of Lyndon Avenue between Newburgh Road and Hix Road (37855 Lyndon Avenue, formerly Webster Elementary School site) in the Southeast 1/4 of Section 19, (hereafter the "Condominium"), and it further appearing that approval of the Master Deed, bylaws and site plan for the Condominium was given by the City Council pursuant to Council Resolution 87-21, adopted on March 22, 2021, and it further appearing that such site plan, together with Development Plans and specifications for improvements, have been examined and approved by the Department of Public Works as set forth in the report of that Department, dated June 29, 2021, therefore, the City Council does hereby determine as follows:

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(1) All of the public improvements, utilities and grading shall be constructed, installed and accomplished in conformity with the provisions of the ordinances of the City of Livonia, including Sections 18.62 and 18.63 of Ordinance No. 543, as amended, and the provisions referenced therein, and the regulations and specifications of the Department of Public Works and the Development Plans submitted by the proprietor and approved by such Department; all such improvements to be constructed, installed, accomplished and completed within a period of two (2) years from the effective date of this resolution; failing this, the approval granted by the City shall be considered null, void and of no effect whatsoever;

(2) That all inspection fees and other charges due to the City of Livonia shall be fully paid at the time and in the manner provided in the said ordinance provisions;

(3) That the installation of all such improvements shall be subject at all times to the supervision and inspection and final approval of the Department of Public Works, and such improvements shall not be considered as having been satisfactorily and completely installed until there is filed with the City Council the certificate as provided in such ordinance provisions;

(4) That the proprietor shall enter into an agreement with the City of Livonia agreeing to construct, within the prescribed period of time and in the prescribed manner, all improvements required to the extent required by the City of Livonia and as shown on the approved Development Plans;

(5) That as a condition of obtaining necessary engineering permits prior to commencing the required improvements, the proprietor shall file with the City of Livonia a corporate surety bond, certified check, cash bond, irrevocable letter of credit, or other financial assurance in such form as may be approved by the Department of Law guaranteeing the satisfactory installation of all such improvements, utilities and grading by the proprietor within the prescribed period in the following amounts:

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| (a) | General Improvement Bond | \$ 518,997.00 |
| | | \$ 51,900.00 minimum cash |
| (b) | Sidewalk Bond | \$ 39,600.00 |
| | | \$ 7,500.00 minimum cash |
| (c) | Grade & Soil Erosion Control Bond | \$ 6,000.00 (all cash) |
| (d) | Entrance Markers/Landscaping | \$ 5,000.00 (all cash) |
| (e) | Monuments and Markers Bond | \$ 1,000.00 (all cash) |

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(f) As-Built Drawing Bond \$ 10,000.00 (all cash)

and require cash payments in the total amount of \$68,166.00.

(6) That all required cash deposits and certified checks which shall be established by the City Engineer pursuant to Article XVIII of Ordinance 543, Section 18.66 of the Ordinance, shall be deposited with the City prior to the issuance of engineering permits for this condominium development;

(7) That the distribution lines for telephones and electric service are to be placed underground and ornamental street lights are to be provided throughout the Condominium in accordance with City ordinances.

#241-21 RESOLVED, that Adams Park Development, LLC, as proprietor, having requested the City Council approve the proposed Lyndon Park Site Condominium Development (f/k/a Adams Park), located on the south side of Lyndon Avenue between Inkster Road and Middlebelt Road (28201 Lyndon Avenue, formerly Adams Elementary School site) in the Southeast 1/4 of Section 24, (hereafter the "Condominium"), and it further appearing that approval of the Master Deed, bylaws and site plan for the Condominium was given by the City Council pursuant to Council Resolution 11-21, adopted on January 13, 2021, and it further appearing that such site plan, together with Development Plans and specifications for improvements, have been examined and approved by the Department of Public Works as set forth in the report of that Department, dated June 30, 2021, therefore, the City Council does hereby determine as follows:

(1) All of the public improvements, utilities and grading shall be constructed, installed and accomplished in conformity with the provisions of the ordinances of the City of Livonia, including Sections 18.62 and 18.63 of Ordinance No. 543, as amended, and the provisions referenced therein, and the regulations and specifications of the Department of Public Works and the Development Plans submitted by the proprietor and approved by such Department; all such improvements to be constructed, installed, accomplished and completed within a period of two (2) years from the effective date of this resolution; failing this, the approval granted by the City shall be considered null, void and of no effect whatsoever;

(2) That all inspection fees and other charges due to the City of Livonia shall be fully paid at the time and in the manner provided in the said ordinance provisions;

(3) That the installation of all such improvements shall be subject at all times to the supervision and inspection and final approval of the Department of Public Works, and such improvements shall not be considered as having been satisfactorily and completely installed until

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there is filed with the City Council the certificate as provided in such ordinance provisions;

(4) That the proprietor shall enter into an agreement with the City of Livonia agreeing to construct, within the prescribed period of time and in the prescribed manner, all improvements required to the extent required by the City of Livonia and as shown on the approved Development Plans;

(5) That as a condition of obtaining necessary engineering permits prior to commencing the required improvements, the proprietor shall file with the City of Livonia a corporate surety bond, certified check, cash bond, irrevocable letter of credit, or other financial assurance in such form as may be approved by the Department of Law guaranteeing the satisfactory installation of all such improvements, utilities and grading by the proprietor within the prescribed period in the following amounts:

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|-----|-----------------------------------|--|
| (a) | General Improvement Bond | \$ 796,738.00
\$ 79,674.00 minimum cash |
| (b) | Sidewalk Bond | \$ 104,775.00
\$ 10,500.00 minimum cash |
| (c) | Grade & Soil Erosion Control Bond | \$ 7,800.00 (all cash) |
| (d) | Entrance Markers/Landscaping | \$ 5,000.00 (all cash) |
| (e) | Monuments and Markers Bond | \$ 1,000.00 (all cash) |
| (f) | As-Built Drawing Bond | \$ 10,000.00 (all cash) |

and shall make additional cash payments in the total amount of \$91,219.00.

(6) That all required cash deposits and certified checks which shall be established by the City Engineer pursuant to Article XVIII of Ordinance 543, Section 18.66 of the Ordinance, shall be deposited with the City prior to the issuance of engineering permits for this condominium development;

(7) That the distribution lines for telephones and electric service are to be placed underground and ornamental street lights are to be provided throughout the Condominium in accordance with City ordinances.

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

result:

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

NAYS: None

The President declared the resolutions adopted.

An Independent Auditor's Reporter from Plante & Moran, dated May 20, 2021, was received and placed on file for the information of the Council.

The Federal Awards Supplemental Information from Plante & Moran, dated November 30, 2021, was received and placed on file for the information of the Council.

The Financial Report with Supplemental Information, dated November 30, 2020, from Plante & Moran, was received and placed on file for the information of the Council.

The Audit Presentation dated November 30, 2020, from Plante & Moran, was received and placed on file for the information of the Council.

Vice President Bahr, as Chair of the Finance and Budget Committee, reported out on the meeting of June 30, 2021.

- a. CR 367-02 Topic of Annual Audit Reports (City of Livonia Audit Reports for the period December 1, 2019 to November 30, 2020).

This item will remain in Committee.

Laura Toy, as Chair of the Public Safety, Health & Environment Committee, reported out on the meeting of July 19, 2021.

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

#242-21 RESOLVED, that having considered the report and recommendation of the Public Safety, Health & Environment Committee, dated July 19, 2021, submitted pursuant to Council Resolution 42-20, regarding the subject matter of urban environment concerns, the Council does hereby refer this item to the Director of Governmental Affairs and the Department of Community Resources and Communications to complete and submit both the applications for the Recycling Partnership Cart Grant offered by the State Department of Environment, Great Lakes and Energy,

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and the Innovation Grant offered by Nextcycle Michigan, prior to their deadlines.

#243-21 RESOLVED, that having considered the report and recommendation of the Public Safety, Health & Environment Committee, dated July 19, 2021, submitted pursuant to Council Resolution 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.

An email communication from Christopher LeBlanc, 31545 Grove Drive, Livonia, MI 48154, dated July 21, 2021, re: Petition 2020-12-06-03, was received and placed on file for the information of the Council.

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

#244-21 RESOLVED, that having considered a communication from the City Planning Commission, dated July 15, 2021, which transmits its resolution 06-27-2021, adopted on June 1, 2021, with regard to Petition 2020-12-06-03, submitted by the City Planning Commission, pursuant to Section 23.01(b) of the Livonia Zoning Ordinance No. 543, as amended, 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, and the Council having conducted a public hearing with regard to this matter on Wednesday, July 14, 2021, the Council does hereby approve Petition 2020-12-06-03 for preparation of the ordinance for submission to Council; and the City Planner is hereby instructed to cause the necessary updated and re-formatted LIVONIA VISION 21 Zoning Map for publication to be prepared and to furnish the same to the Department of Law and, upon receipt of such map, the Department of Law is requested to prepare an ordinance amending the Livonia Vision 21 Zoning Ordinance, with such minor revisions as may be necessary, in accordance with this resolution.

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

#245-21 RESOLVED, that having considered a communication from Maria Alaouieh, dated July 7, 2021, which requests permission to waive Section 8.32.070 (Noise Control) of the Livonia Code of Ordinances, as amended, to host a party with music at her home located at 37316 Seabrook Drive, on Saturday, July 31, 2021, from 3:00 p.m. to 11:00 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 3:00 p.m. and 11:00 p.m. in connection with this event to be held on Saturday, July 31, 2021.

An email communication from Joanna G. Hardesty, Wade Shows, Inc., dated July 22, 2021, re: transfer of application for waiver use to Livonia AM Rotary Club, Petition 2021-06-02-10, was received and placed on file for the information of the Council.

An email communication from Pat Zucal, Livonia AM Rotary Club, dated July 22, 2021, re: transfer of application for waiver use to Livonia AM Rotary Club, Petition 2021-06-02-10, was received and placed on file for the information of the Council.

An email communication from Pat Zucal, Livonia AM Rotary Club, dated July 23, 2021, re: change in the dates of the carnival, was received and placed on file for the information of the Council.

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

#246-21 RESOLVED, that having considered communications from Joanna G. Hardesty, Wade Shows, Inc., dated July 22, 2021 and Pat Zucal, Livonia AM Rotary Club, dated July 22, 2021 and July 23, 2021, and a communication from the City Planning Commission, dated July 1, 2021, approved for submission by the Mayor, which transmits its resolution #07-34-2021, adopted on July 13, 2021, with regard to Petition 2021-06-02-10, sponsored by the Livonia AM Rotary Club, to conduct a carnival in the parking lot of Sears, consisting of amusement rides, games

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and food concessions from September 16, 2021 through September 20, 2021, inclusive, on property at 29500 Seven Mile Road, located on the northwest corner of Seven Mile and Middlebelt Roads in the Southeast ¼ of Section 2, the Council does hereby concur in the recommendation made by the City Planning Commission and Petition 2021-06-02-10 is hereby approved and granted, subject to the following conditions:

1. That the carnival shall be limited to the dates as specified by Skerbeck Family Carnival, which are Thursday, September 16, 2021 through Sunday, September 19, 2021, inclusive, and closed and dismantled on Monday, September 20, 2021;
2. That the proposed carnival operation shall be confined to the area as illustrated on the aerial layout plan submitted as received by the Planning Commission on June 15, 2021;
3. That all rides, food concessions, booths and all other equipment and apparatus relating to the operation of the carnival shall be located at least sixty feet (60') distant from the Seven Mile and Middlebelt Roads right-of-way lines;
4. That the temporary housing and storage of other trucks and equipment associated with the carnival shall be parked or stored within the extreme southwestern portion of the former Sears Department store parking lot, but no closer than sixty feet (60') from the Seven Mile Road right-of-way line;
5. That the hours of operation shall be limited to the following: Thursday and Friday from 4:00 p.m. to 11:00 p.m.; and on the weekend, Saturday and Sunday, from 12:00 p.m. to 11:00 p.m.; and
6. That appropriate access to fire hydrants shall be provided to the City of Livonia Fire Department.

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

On a motion by Toy, supported by McCullough, and unanimously adopted, this 1,925th Regular Meeting of the Council of the City of Livonia was adjourned at 8:07 p.m. on July 26, 2021.

Susan M. Nash, City Clerk