

MINUTES OF THE ONE THOUSAND NINE HUNDRED THIRTIETH**REGULAR MEETING OF OCTOBER 4, 2021**

On October 4, 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; Dave Lear, Assistant City Engineer; Paul Bernier, City Attorney; Susan M. Nash, City Clerk; LaShawn Thomas, Director of Governmental Affairs; and Sara Kasprovicz, Manager of Council Office.

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

#294-21 RESOLVED, that the minutes of the 1929th Regular Meeting of the Council held September 20, 2021, are approved as presented.

Councilmember Donovic stated that on Saturday, September 25th, the Greenleaf Commission hosted an electric vehicle car show for National Drive Electric Week. There was roughly thirty electric vehicles that showed up, I was actually able to drive one of my favorite cars, a Tesla Model S, I did not do any burn-outs, I promise, if any police officers are watching. The event was supported by the City of Livonia, Plug-In America, Consumers Energy, DTE Energy and Schoolcraft College. Congresswoman Haley Stephens was there, along with one of my colleagues, Laura Toy. It was a rainy day, but there was still at least forty to forty-five people there when I was there. So, it was pretty impressive, it was nice to see the kind of different cars, different electric vehicles coming together and people just kind of hanging out and talking about the future of electronic vehicles. So, hats off to the Greenleaf Commission, Jim Baringhaus, and the rest of that Commission. Also, I'd like to offer an item for report and recommendation to the

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Administration. We recently approved Hero Pay for our City employees and prior to that our First Responders. However, three very important groups of people may not have been included. Reserve Police Officers, Transient Drivers and CERT volunteers, they all had a very large part to play in the City's response to Covid, so I think it's only fair for them to receive a bonus for Hero Pay as well, so I'd like to refer this item to the Administration for report and recommendation, please.

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

was:

#295-21 RESOLVED, that upon the motion by Councilmember Rob Donovic, seconded by Councilmember Laura Toy, at the Regular Meeting held October 4, 2021, the Council does hereby refer the subject matter of a Hero Pay Stipend for the classifications of Transit employees, Police Reserves and Community Emergency Response Team (CERT) volunteers to the Administration for its report and recommendation.

Councilmember Toy commented on the passing of former classmate Gary Meyer and sent condolences to his family.

Vice President Bahr publicly encouraged residents to participate in the Greenmead365.com survey on the future of Greenmead. He stated the meeting last week talked about some very specific next steps we'll be doing in order to get this feedback, but in the meantime that avenue is out there and I want to encourage people to look at that. The second thing, maybe on a less positive note, but for those that haven't heard, the Michigan Redistricting Commission which was created about three years when we changed with the Michigan Ballot Measure how we were going to draw up congressional districts. And they've put out their maps as to where they stand currently for what those congressional districts are going to look like and this is something that I think is incredibly important for all of Livonia to be aware of regardless of what your political party is, regardless of what your view is of that move. Livonia is carved into five separate congressional districts. They've taken this City that in my recollection has always been predominantly whole with one congressional district for both the Federal and the State level. There's been times, including now, that there's a sliver of it that's somewhere else but for the most part we've kept the City whole. And having this City divided into five sections and a piece going with Northville, and a piece going with Westland, and a piece going to Southfield, etc., just regardless of where you stand politically just really is going to hamper our ability to get representation at Lansing and at Washington. So, I just think it's really important for residents to be aware of this and to make their voices heard and rather than read off the website, which is a little bit complex, what I just did is if you just Google Michigan Redistricting Commission, the person that comes up is their website and there's a form there for public comment. I just hope that

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Livonians are heard loud and clear that this is not going to be acceptable, this is not good for any of us, so I want to make people aware of that.

Councilmember McCullough stated this Sunday the Livonia All Stars, which is kind of our celebrity hockey team, is going to be facing off against the Detroit Red Wings Alumni and all of the proceeds will benefit the Livonia Kids and Families. Some of the high level names, we finally got the roster, are Mickey Redmond, Darren McCarty, John Ogrodnick, and Eddie Mio. And just to kind of give a little bit of a look, these are incredible names, and so if you guys want to see us probably lose bad, but still support a good cause, tickets are available right now at the Rec Center, the UPS Store, Cardwell Florist and they are also online, we have it on Event Brite. I think Coach Jim Jolly is going to be behind the bench, so we're hoping that he can lead us to victory but I think per the contract we're not supposed to win and I don't think we have a shot. So, if you want to help Livonia Kids and Families and have a fun time, please we'll see you Sunday at Eddie Edgar Ice Arena at 1:00 o'clock.

Vice President Bahr asked about Coach Jolly's career record and whether it will be published in the program for the game and Jolly replied he currently has no record, so he's happy to share.

President McIntyre wished them good luck on the event and stated we hope to see everyone from Livonia there.

Councilmember Toy announced the retirees for the month of September, those being Barbara Fugate, retired on 9/28/2021, from 16th District Court as a Court Reporter, with 33 years of service; Judith Janke, retired on 9/12/2021, from the 16th District Court as a Violations Clerk III, with 16 years of service; Scott Kearfott, retired on 9/4/2021, from the Inspection Department as a Building Inspector, with 13 years of service; Lawrence Mosier, retired on 9/25/2021, from the Fire Department as a Fire Captain, with 25 years of service; Gerard Randall, retired on 9/30/2021m from DPW as a Building Mechanic I, with 14 years of service

Councilmember Jolly stated he owes special acknowledgement to two of the retirees, Barbara Fugate, who served as his court recorder when he was Magistrate; and Judy Janke, who helped him learn court processes during his tenure as Magistrate and thanked both of them for their contributions to the City and to himself personally.

Councilmember Toy commented on October being Breast Cancer Awareness Month and the importance of checking on your health, male and female both.

President McIntyre stated she was diagnosed with breast cancer two years ago Halloween and she was extremely lucky because it was found on a mammogram and it was discovered extremely early and said someone stated she had the best worst news and that's the way she looked at it. And having access to outstanding

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health care and great doctors and treatment and the ability to arrange her life to support her treatment and she had a lot of support from the people around her. Mammograms are critical, as Councilmember Toy mentioned, the disease also does affect men and it's a good thing to talk to your doctor about and be aware of the symptoms. If you're a woman over 40, if you know a woman over 40, make sure that she gets her annual mammogram. And I'm going to work with the City's communication department and make sure that we get some things up on our website about where low cost or free mammograms can be obtained if you know someone who is not able to obtain one due to insurance issues or cost issues. So thank you for bringing that up, Councilmember Toy, and thank you for the ribbons to serve as a reminder to get that done.

During Audience Communication the following people commented on the air bnb located at 14847 Ingram Street:

Matthew Bricker, 14819 Ingram
Vicki Johnson, 32209 Jamison Court
Julie Hunt, 14846 Ingram
Phil & Pat Siebert, 14835 Ingram

President McIntyre responded to the comments by saying that LaShawn Thomas, Director of Governmental Affairs, serves as a liaison to the Mayor in relaying this information and having it addressed.

Vice President Bahr stated there's another home in Livonia, one of the short term rentals, that he has spent time conversing with the owner as well as with the Law Department, and there were certain assumptions based on their understanding at that time of what our ordinances said, that actually led to us doing nothing which is what our ordinances were, which at the time we were under the impression in doing nothing our ordinances currently just treated all rentals the same, short term or long term, same licensing, regulatory requirements, that kind of thing. What has come to life recently is that in fact our ordinances don't say that. In fact, our current ordinances -- as we stand here right now, short term rentals are illegal in Livonia with the exception of one specific zoning district which is not a residential zoning district. That caught me by surprise because that was very different than the assumption we were dealing with last week which is why I sat down with our Law Department on Friday and they walked me through it and I now understand where that came from. So, the good news for you is that short term rentals as we stand here right now are illegal according to our ordinances, so there's not really anything Council needs to do with this. It is, as Council President McIntyre just said, this at this point is an administrative response question and I know that the Law Department is very much on top of this, I think one of you mentioned you talked to them already. So, there's an enforcement thing that we have to deal with here, but from a legal perspective, we're good. That being said, however, it begs the question of why did we just now figure this out? And without getting into all of the nitty gritty, the language between our Zoning Ordinance and our Code of Ordinances, it requires quite a

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bit of cross referencing between the two to come to the conclusion that I just described to you. And I am entirely convinced that that is the proper conclusion as it's been laid out to me. But I do think that we have an opportunity, you know, when I was sitting down for an hour last week with our City attorneys and I said to them, I said guys, look, I know you're the lawyers but it shouldn't be this hard. Like somebody should be able to pick up the ordinances and see exactly what the ordinance says and they agreed with me. But I think there's an opportunity right now to do a language clean up between our Zoning Ordinance and our Code of Ordinances so we don't have this same type of confusion in the future. And so with that, Madam President, I would like to offer to just refer to our Law Department to look at cleaning up the language between the Zoning Ordinance and our Code of Ordinances so that our City's stance on where we stand with short term rentals is crystal clear, which it was not before. I know this is not a surprise, Mr. Bernier, we talked about it last Friday, so he knows what I'm asking for but I'd like to offer a motion that we refer that to the Law Department.

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

#296-21 RESOLVED, that upon the motion by Council Vice President Scott Bahr, seconded by Councilmember Cathy White, at the Regular Meeting held October 4, 2021, the Council does hereby refer the subject matter of amending the City's Code of Ordinance language regarding short term rentals to be consistent with the Livonia Vision 21 Zoning Ordinance.

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

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

NAYS: None

The President declared the resolution adopted.

Attorney Bernier stated I just want to make it clear just so that everybody else that is watching this is on TV, our position is they're all illegal. And we do have to draw a distinction between – everybody wants to talk to me about an Air bnb, we're not using that terminology. Air bnb is simply a computer platform to advertise rentals. These are short term rentals. Our ordinance allows for long term traditional rentals of property which are fine because you have the same family. It's our position that in all the residential districts except for the one, as Mr. Bahr pointed out, short term rentals are illegal. We are currently prosecuting a few people I've dealt with. I've talked face to face to the people who own that house that the residents talked about, and in my understanding that's going to become a long term rental property is my understanding, so that will eliminate one problem.

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President McIntyre thanked Bernier for the clarification.

The following people spoke during Audience Communication:

Amelia Lounsbery, 28012 W. Stanmoor – GFL Recycle Truck remnants
Connie Dickey, 33451 Rayburn – Planned Parenthood noise

Vice President Bahr stated it's been a while since we've had this topic come up here but it brings to mind something I've thought in the past, and I think this just moves me to bring this up tonight. I feel badly for the neighbors over there, anybody that knows me or this Council knows for the last few years, knows my disdain for that type of business, that's no secret. I wouldn't want that next to my house, it's within feet of some of the houses over there. Not to mention that but this is the type of business that attracts protest activity. And while that protest activity is fully legal, I definitely understand the frustration with that increased activity for the people that live over there, so there's not a lot legally that we can do about this situation but the question that has come to my mind over and over again for the last several years, is how can we avoid this in the future. Look, I'm not an attorney, but we have separation requirements for liquor and massage establishments in the City and I guess I would like to offer a motion to refer to the Law Department for its report and recommendation the question of whether we can implement a separation requirement between abortion providers and residential zoned land, something that I've thought about different times like I said and with this coming up again, I think it's something that's reasonable to at least look into what the legal options are for that.

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

#297-21 RESOLVED, that upon the motion by Council Vice President Scott Bahr, seconded by Councilmember Rob Donovic, at the Regular Meeting held October 4, 2021, the Council does hereby refer the subject matter of setback requirements for abortion facilities from residential areas to the Administration for its report and recommendation.

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

#298-21 RESOLVED, that having considered an application from Lauren Grewe, dated September 10, 2021, requesting permission to close Sherwood, between Woodside and Parklane, on Saturday, October 9, 2021, from 12:00 p.m. to 9:00 p.m., for the purpose of conducting a block party with music and games, the Council does hereby grant permission as requested, including therein permission to conduct the said affair on Sunday, October 10, 2021, in the event of inclement weather, the action taken herein being made subject to the approval of the Police Department.

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

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

NAYS: None

The President declared the resolution adopted.

President McIntyre, as Chair of Committee of the Whole, reported out on the meeting of August 25, 2021.

- a. Subject matter of flooding, infrastructure and watershed issues (CR 233-21)

#299-21 RESOLVED, that having considered the report and recommendation of the Committee of the Whole, dated August 25, 2021, submitted pursuant to Council Resolution 233-21, regarding the subject matter of flooding, infrastructure and watershed issues, the Council does hereby refer this item to the Administration to provide a proposal regarding mitigation issues in reference to the Willow Woods Subdivision.

Kayleigh Lickliter, 14040 Hillcrest, spoke on the above issue.

This item will remain in Committee.

Donovic gave first reading to the following Ordinance:

AN ORDINANCE AMENDING SECTION 30 OF THE ZONING MAP OF THE CITY OF LIVONIA AND AMENDING ARTICLE III OF THE LIVONIA VISION 21 ZONING ORDINANCE KNOWN AND CITED AS "THE CITY OF LIVONIA ZONING ORDINANCE" BY ADDING SECTION 3. _____ THERETO. (Petition 2021-04-01-02)

The foregoing Ordinance, when adopted, is filed in the Journal of Ordinances in the Office of the City Clerk, and is the same as if word for word repeated herein.

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Donovic invoked the Emergency Clause and gave second reading to the foregoing Ordinance and a roll call vote was taken thereon with the following result:

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

NAYS: None

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

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

#300-21 RESOLVED, that having considered a communication from the City Planning Commission, dated September 1, 2021, approved for submission by the Mayor, which transmits its resolution #08-45-2021, adopted on August 31, 2021, with regard to Petition 2021-07-02-13 submitted by Leo Soave, to develop a Planned Residential Development pursuant to Section 5.02 of the Livonia Vision 21 Zoning Ordinance, consisting of a condominium subdivision with nineteen (19) detached single-family homes on the properties at 37711, 37631 and 37601 Plymouth Road, located on the south side of Plymouth Road between Newburgh Road and Jarvis Avenue in the Southeast ¼ of Section 30, the Council does hereby concur in the recommendation made by the City Planning Commission and Petition 2021-07-02-13 is hereby approved and granted, subject to the following conditions:

1. That the Master Deed and bylaws complies with the requirements of the Zoning Ordinance and the Subdivision Control Ordinance, Title 16, Chapter 16.04-16.40 of the Livonia Code of Ordinances;
2. That the Site Plan identified as Sheet Number CS-100. 1, dated August 2, 2021, as revised, prepared by Angle Design & Engineering is hereby approved and shall be adhered to;
3. That the Landscape Planting Plan and Landscape Notes and Details identified as LP-1 and LP-2, respectively, both dated July 27, 2021, prepared by Nagy Devlin Land Design, are hereby approved and shall be adhered to;

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4. That all disturbed lawn areas, including road rights-of-way, shall be sodded in lieu of hydroseeding;
5. 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;
6. That streetlights and sidewalks shall be installed throughout the development to the satisfaction of the Engineering Department;
7. In the event of a conflict between the provisions set forth in the Master Deed and bylaws and the requirements set forth in the Livonia Vision 21 Zoning Ordinance, the Zoning Ordinance requirements shall prevail, and the petitioner shall comply with the Zoning Ordinance requirements;
8. That the petitioner shall include language in the Master Deed and bylaws or a separate recordable instrument wherein the condominium association shall reimburse the City of Livonia for any maintenance or repair costs incurred for the storm water detention/retention and outlet facilities;
9. That the petitioner shall comply to the satisfaction of the Department of Public Safety, Livonia Fire and Rescue the stipulations as outlined in the correspondence dated August 4, 2021;
10. The developer and all contractors and subcontractors shall employ best management practices to prevent, reduce and mitigate the problems associated with soil erosion and airborne dirt and dust from migrating off-site, including provisions for erosion control barriers, daily street sweeping, watering, and halting earthwork activities on days when the wind conditions are likely to cause a problem;
11. That only a conforming entrance marker 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 all required cash deposits, certified checks, irrevocable bank letters of credit and/or surety bonds shall be deposited with the City prior to the issuance of engineering permits for this site condominium development; and
13. Pursuant to 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.

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

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

NAYS: None

The President declared the resolution adopted.

Ryan Pastor, Soave Homes, 16213 Ellen Drive, requested a nonveto letter for this Agenda item.

Councilmember Jolly stated he would request one from the Mayor.

During Audience Communication Emily Cizmas, 9999 Deering, commented on flooding issues in her neighborhood.

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

#301-21 RESOLVED, that upon the motion by Councilmember Jim Jolly, seconded by Councilmember Laura Toy, at the Regular Meeting held October 4, 2021, the Council does hereby direct the Administration to create an inventory of areas that suffer or are likely to suffer flooding issues within the City.

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

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

NAYS: None

The President declared the resolution adopted.

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

#302-21 RESOLVED, that upon the motion by Councilmember Jim Jolly, seconded by Councilmember Rob Donovic, at the Regular Meeting held October 4, 2021, the Council does hereby direct the Administration to assess possible financing solutions and costs to correct the areas that suffer or are likely to suffer flooding issues within the City.

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

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

NAYS: None

The President declared the resolution adopted.

During Audience Communication Kayleigh Lickliter, 14040 Hillcrest, came to the podium to comment on Petition 2021-07-02-13.

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President McIntyre explained the rules for Audience Communication to Ms. Lickliter and Councilmember Jolly made to motion to Suspend the Rules to allow her two minutes to speak on the issue.

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

#303-21 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.

During Audience Communication, Kayleigh Lickliter, 14040 Hillcrest, addressed Council on Petition 2021-07-02-13 and further discussion was held.

On a motion by Toy, supported by Bahr, and unanimously adopted, this 1,930th Regular Meeting of the Council of the City of Livonia was adjourned at 8:43 p.m. on October 4, 2021.

Susan M. Nash, City Clerk