

MINUTES OF THE ONE THOUSAND NINE HUNDRED THIRTY-SECOND**REGULAR MEETING OF NOVEMBER 8, 2021**

On November 8, 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 Laura Toy led the meeting in the Pledge of Allegiance.

Roll was called with the following result: Laura Toy, Scott Bahr (arrived 7:27 p.m.), Brandon McCullough, Rob Donovic, Jim Jolly and President Kathleen McIntyre. Absent: Cathy White .

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; Mike Slater, Director of Finance; Lynda Scheel, City Treasurer; Sara Kasprovicz, Manager of Council Office; and Laurie Pohutsky, State Representative.

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

#318-21 RESOLVED, that the minutes of the 1931st Regular Meeting of the Council held October 18, 2021, are approved as presented.

Councilmember Donovic stated that Thursday, November 11th is Veterans Day, so if you know a Vet in your family or a friend of yours or local businesses around town, they'll be doing different things for your veterans in the community. So, to all those Veterans in the City of Livonia, thank you for your service, and God Bless you. I also wanted to comment, recently we had an election in the City of Livonia, so I'm very, very thankful to have been re-elected to a four-year seat and serve on this distinguished board alongside my amazing colleagues and City officials and represent the City of Livonia in this capacity. I just want to thank God and my family and my friends, the Clerk's office and all of the volunteers in the

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Clerk's office that make our elections possible. The elections would not be possible without all of the men and women that help out on election day and make it all possible, so thank you everybody that helped me get re-elected and I really, truly look forward to these next four years.

Councilmember Toy stated she wished to recognize a young man from the Stevenson Spartans here in Livonia, Matthew Gazzarato, he saved a person's life in the cafeteria by giving her the Heimlich maneuver and was called a hero and he doesn't want to be called a hero but what a wonderful thing for him to do, save a life, and it was in the Hometown Life newspaper just last week. So, hats off to him and those that helped him in any way. I'd also like to thank the citizens in Livonia, especially the people that stood out at the polls in that crazy weather that day and carried signs and just did fabulous things that day, we're all just so grateful for all of our folks that do those kinds of things for us. Politics can be a rough game, but it can also be a very rewarding game and I was fortunate enough to be elected for four more years you've got to put up with me. It's an enjoyable time, local government, and it's a trying time at times. We've had some deep issues. Madam President has had to chair and guide us through as well as all of us working together and I appreciate that about my colleagues. And it's very rewarding, we're going to have a new colleague and I look forward to that as well and the New Year, and anxious to hear our State Rep come up when you have time and there we have it. Thank you very much Livonia.

Councilmember McCullough stated last week there was a pretty big football game, it was Livonia Franklin against the Churchill Chargers and while we're very happy to support both schools to make it as far as they did, Livonia Franklin did come out victorious, 27-20, and I always like to look over at my colleague, Mr. Donovic, because he was a Charger. Franklin takes on Waterford Mott this Friday at 7:00, so we're going to root them on.

Councilmember Jolly stated I as well would like to extend my sincere thanks and appreciation for all of our friends and neighbors in Livonia, everybody who came out to vote. We are all excited for the opportunity to continue to serve the City of Livonia and the residents. Here's hoping that we do some good work and we get some good things done. Thank you.

President McIntyre stated I have a few announcements to make. The first is a happy birthday greeting today, November 8th, wish a very happy birthday to our deputy police chief, Ben McDermott. And on November 21st our former Mayor, Jack Kirksey, will be celebrating his birthday and I believe that will be his 94th birthday. And some of us had an opportunity to see Jack over the weekend at a memorial for his late wife and our former First Lady, Pat Kirksey, and all things considered he's doing amazingly well and retains his sense of humor and ability to enjoy life and it's hard for him, they have been together for 70 some years, so it was good to see him. So, happy birthday Deputy Chief and happy birthday former Mayor Jack Kirksey. I also wanted to announce that this Thursday, November 11th, it is Veterans Day, and it's another important date, not as

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important as Veterans Day, and that is the annual fundraiser for Livonia Community Foundation. And this is the annual wine tasting. The Community Foundation has only one fundraiser every year to raise money for operating funds. All of the grants are made from the Foundation's endowments and cannot be used to fund the operations of the Community Foundation which is about 90% volunteer work. It will be from 6:30 to 9:30 at One Under and the theme of this year's events is Bubbles and Bourbon and tickets and information can be found on the Community Foundation website and that is Livonia Foundation, all one word, Livonia Foundation.org. Tickets are still available, they're \$50.00 apiece and all of the proceeds go to the Community Foundation, so we hope to see everybody there, it's always a nice evening.

McIntyre then stated there is New Data on Item No. 9 and I will refer specifically to that New Data when we get to that item.

City Clerk Susan Nash congratulated the City of Livonia for coming out last week, it was record numbers for an election. We had 22,209 total votes last week, where 7,617 people came out on election day, 14,592 voted via absentee. There is something, I get the thank you's and the congratulations, but I have to stress over and over again that it is actually a team and it is a very strong team here at the Livonia City Hall. And I've mentioned everybody before, we've got Lori Miller, Janet Douglas, Lydia Taylor, Bonnie Murphy, Nora Brock, Nancy Lantto and Laura Coseo and our team upstairs up here in City Hall. But what I really stress and I say this every election when I am addressing the workers, the City of Livonia needs to thank the workers that are out there on Election Day and that are out there working with the absentee ballots. Democracy doesn't work without them. And when I stand here the night before an election when I am addressing the Chairs, I say to them from the bottom of my heart I thank you on behalf of the citizens of Livonia. And when you see people that work elections, thank them. Because we are only a small group of people, we need anywhere from 300 to 450 people to work an election. And they come and they do a very long day, the people that are in the polls and people that are working the absentees, they can be very long days, they can be very stressful, but they do a fabulous job and we couldn't do it without them. So, I want to thank all of the voters that came out, I want to thank the City of Livonia mostly, I also want to thank our workers that worked election day because without them, democracy does not keep rolling.

Laurie Pohutsky, State Representative, came to the podium to address Council. She thanked everyone for allowing her to address the Council and congratulated everyone on their re-election or new election to City Council. She then stated and I would also like to thank our Clerk and her whole team, it's a monumental list and you do a fantastic job. So, thank you very much, and thank you everyone who did come out and vote. I just wanted to give a brief update on a couple of things that we've been dealing with in the legislature that are particularly beneficial or pertinent to the City of Livonia. The first one being the short term rental bill. First of all I want to thank you all for your resolution. I don't know if everyone's aware, they kept us there for thirteen hours that day, so you made

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my decision at 2:00 a.m. very, very easy and I appreciate that. I was a no vote; however, it did pass out with just the slimmest of margins, it passed with exactly 55 votes. I'm hearing that there may be a substitute in the Senate, I don't have details as to that, what that may look like. But I just want to keep that on everyone's radar because that bill is still very much in play and shifting a little bit. Additionally, there's been a lot of budget supplemental talks, everything recently. We're very fortunate that we have a lot of Federal funding coming down, but that does leave us with what we should do with it. We still have roughly 11 billion dollars from previous bills, this is not including the infrastructure bill that we have to work with. However, two things I'm very, very proud of that I worked with Senator Polehanki and the Treasury Department on and folks on Council and the Mayor's office, there's \$100,000 coming for a senior park and I've spent a lot of time explaining what a senior park is recently. So, it is not a park only for senior citizens but it is a park designed with the issues that senior citizens face and mind. Things like mobility issues, things that might be particularly beneficial for that population. So, anyone of any age can play on it but it's built with people who might face particular challenges due to their age and mind. The other thing was \$1,000,000 for a Rosin flood mitigation study here in Livonia. And I see Councilmember Toy nodding her head because this was something that was going on, an issue, when she was in my position. So, this is an ongoing issue. Bell Creek is causing some erosion problems, you know, this is something that runs through literally some folks back yards. And I'm sure that most of you heard from some of these residents, their backyards are literally falling into this creek and it's causing particular problems as it relates to power lines and trees that are no longer stable, it's creating a dangerous situation. There's a lot of folks who have been here for decades so it's not a safe situation for anyone but particularly our elderly residents that are dealing with this. And this has been an issue where unfortunately sometimes when Federal and State and local governments all interact at one particular location, it gets a little messy. So, I'm happy to say that we did get \$1,000,000 for a mitigation study to try and combat this erosion and hopefully make it a safer situation for the people who are having to deal with it. And we've seen how heavy the rainfalls have been, we can expect this to only get worse so I'm happy that we are finally able to get those dollars. I think it's an excellent use of the money that we are fortunate to have right now. If there are any particular questions, I know that you all know how to get ahold of me but I'm also happy to answer them now.

Councilmember Toy said I want to give the representative a lot of credit because when this came before me and I think I called Brandon in it, too, and a few others. When I called Laurie, she jumped right to it. And I had called several other offices up there as well and she got it through and got us \$1,000,000, that's significant for our community and hats off because you do an excellent job with constituents, you really do, nothing but good things. I want to say, that's a tough job in the job you're in with term limits and all the crazy people you've got to deal with up there. I've been there, done that, and it's threading the needle and then some, so congratulations to you.

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Representative Pohutsky stated I want to thank you and the whole Council for being such great partners at the local level, for flagging issues like that for me, for many of you going out to people's houses literally to look at it and see where local government can come into play, where State government can come into play. I know that politics and particularly partisanship gets a really bad rap, but I just really want people to understand that I'm very grateful for the partnership that I have with everyone on the Council, so thank you.

President McIntyre asked if the \$1,000,000 is for mitigation for Bell Creek, or that will eat up the \$1,000,000?

Pohutsky replied we spoke with the Mayor's office about what funding was necessary for that project in particular. It's flagged for erosion study period, but the primary one that is in mind to eat up that funding is Bell Creek.

President McIntyre thanked Pohutsky for her engagement with our community, certainly on constituent issues. As you know, I attend a lot of events, a lot of Eagle Scout investitures and other things and very frequently whenever your schedule permits, you're there, and that means a lot to people and it means a lot to our community and that's extra time on top of a demanding job but your presence is always appreciated and I know it means a lot to the people at those events, whether it's an Eagle Scout or a concert or whatever, so thank you for your engagement in our district.

Councilmember McCullough thanked Pohutsky for Bell Creek and stated I actually have a neighbor kitty-corner, he's a friend, I've obviously been in the sub for almost twelve years, that is one of the people that is having Rosin issues and I know, just like you said, we've been in people's backyards. So, everything that occurred over the years and I've heard of which is a long time and is pointing the finger. So, kudos for pulling across the goal line and hopefully some of these citizens can actually enjoy their backyards without freaking out one day that it might be in the creek, so great work.

President McIntyre thanked Pohutsky for coming to the meeting and her hard work.

During Audience Communication Bess Fenech, 14478 Fairway, commented on the leaf pick-up program.

Adam Adamski, 11395 Farmington Road, Apartment #16, commented on the voter turn-out for the recent election and the redistricting that is currently being addressed in Michigan and further discussion was held.

(Vice President Bahr arrived at 7:27 p.m.)

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A communication from the Department of Finance, dated October 8, 2021, re: forwarding Quarterly Investment Report for the City of Livonia for the quarter ending August 31, 2021, was received and placed on file for the information of the Council.

A communication from the Department of Finance, dated October 8, 2021, re: forwarding various financial statements of the City of Livonia for the month ending August 31, 2021, was received and placed on file for the information of the Council.

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

#319-21 RESOLVED, that having considered the report and recommendation of the Office of the Mayor, dated October 5, 2021, and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Act 381 of Public Acts of the State of Michigan of 1996, as amended, the Council does hereby approve of and concur in the reappointment of Ken Harb, 16788 Westbrook, Livonia, MI 48154, to the Livonia Brownfield Redevelopment Authority for a term of three years, which will expire on November 24, 2024.

#320-21 RESOLVED, that having considered the report and recommendation of the Office of the Mayor, dated October 5, 2021, and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Act 381 of Public Acts of the State of Michigan of 1996, as amended, the Council does hereby approve of and concur in the reappointment of Dillon Breen, 38987 Stacey, Livonia, MI 48154, to the Livonia Brownfield Redevelopment Authority for a term of three years, which will expire on November 24, 2024.

#321-21 RESOLVED, that having considered the report and recommendation of the Assistant Director of Public Works, dated September 30, 2021, submitted pursuant to Council Resolution 290-18, adopted on August 8, 2018, which bears the signatures of the Director of Public Works and the Director of Finance and is approved for submission by the Mayor, the Council does hereby authorize the Mayor and City Clerk to execute a two-year contract extension, for and on behalf of the City of Livonia, with Havener Tech, Inc., 433 Elmwood, Troy, MI 48063 for performing all work required in connection with catch-basin, storm sewer, and concrete slab stabilization, on an as needed basis, in an amount not

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to exceed \$50,000.00 annually, the same to be expended from funds already budgeted for this purpose in Account No. 204-463-818-119 (Road Maintenance Budget); FURTHER, the Council does hereby authorize the aforesaid action without competitive bidding for the reasons indicated in the aforesaid communication, and such action is taken in accordance with Section 3.04.140.D.3 of the Livonia Code of Ordinances, as amended.

#322-21 RESOLVED, that having considered a communication from the Assistant Director of Public Works, dated October 1, 2021, which bears the signatures of the Director of Public Works and the Director of Finance and is approved for submission by the Mayor, the Council does hereby approve an extension of the lease of five (5) acres of the City-owned property located at 32700 Glendale Avenue, as requested by Mid-Michigan Recycling, L.C., G-5310 N. Dort Highway, Flint, Michigan 48505, for wood processing and disposal service, for a period of five (5) years commencing February 25, 2022, at a monthly lease rate of \$3,692.40, for total City revenue of \$221,544.00 over a five (5) year period, subject to all other terms and conditions previously approved in Council Resolution #71-17, adopted on February 27, 2017; and the Mayor and City Clerk are hereby authorized to execute a lease agreement for and on behalf of the City of Livonia with the aforesaid company, approved as to form and substance by the Department of Law, and to do all other things necessary or incidental to the full performance of this resolution.

#323-21 RESOLVED, that having considered a communication from the Assistant Director of Public Works, dated October 7, 2021, which bears the signatures of the Director of Public Works and the Director of Finance, and is approved for submission by the Mayor, to which is attached a Change Order from OHM Advisors, 34000 Plymouth Road, Livonia, MI 48150, dated September 28, 2021, for the additional scope of work required relative to the Cavell Street water main replacement project under DWRP Project 7452-01, approved by Council on May 24, 2021, pursuant to Council Resolution 180-21, the Council does hereby appropriate and authorize an expenditure in an amount not to exceed \$43,752.59, increasing the not to exceed contract amount from \$371,836.56 to \$415,589.15, payable to D & D Water & Sewer, 5700 S. Sheldon Road, Canton, MI 48188, for the additional scope of work required relative to the Cavell Street water main replacement project under DWRP Project 7452-01; FURTHER, the Council does hereby appropriate and authorize an expenditure in an amount not to exceed \$43,752.59 from the Water and Sewer Fund (Account No. 592-158-000) for this purpose.

#324-21 RESOLVED, that having considered a communication from the Department of Law, dated October 5, 2021, in connection with a proposed

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Sixth Amendment to Lease Agreement between the City of Livonia and New Cingular Wireless PCS, LLC, a Delaware LLC, as successor-in-interest to AT&T Wireless PCS, Inc., a Delaware corporation, to which is attached as Exhibit 1 certain Construction Drawings, i.e. a Cover Page and pages C-1 and C-2, and T-1 through T-4, prepared by Black & Veatch, and certified by Ping Jiang of Black and Veatch on July 28, 2021, for the proposed upgrade to be made pursuant to said lease, the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute the Proposed Sixth Amendment to Lease Agreement between the City of Livonia and New Cingular Wireless PCS, LLC, as Successor-in-Interest to AT&T Wireless PCS, Inc., a Delaware Corporation, subject to approval as to form by the Department of Law, and the Mayor and City Clerk are hereby requested to do all things necessary or incidental to the full performance of this resolution.

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

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

NAYS: None

The President declared the resolutions adopted.

Rob Donovan, as Chair of the Senior Citizens and Families Committee, reported out on the meeting of October 11, 2021.

- a. Subject matter of noise waiver requests and acceptable decibel levels at events. (CR 262-21)

#325-21 RESOLVED, that having considered the report and recommendation of the Senior Citizens and Families Committee, dated October 11, 2021, submitted pursuant to Council Resolution 262-21, the Council does hereby refer this item to the Law Department to consider preparation of a proposed ordinance amendment regarding noise waiver requests and acceptable decibel levels at events as well as an investigation into how other communities handle similar requests and situations.

This item will remain in Committee.

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

#326-21 RESOLVED, that having considered the request of Council Vice President Scott Bahr, at the Study Meeting held October 18, 2021, regarding a communication from Zak Alzught, 29656 Schoolcraft Road, Livonia, MI 48150, requesting to purchase city-owned property located at 29660 Gaylord Court, the Council does hereby refer this item to the Parks and Recreation Commission to determine if this property is excess City land to be sold.

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

AYES: Toy, McCullough, Donovic and Jolly

NAYS: Bahr and McIntyre

The President declared the resolution adopted.

An email communication from Kenneth M. Bere, AIA, Principal, Hellyer Lewis Smith, Inc., dated November 3, 2021; and a communication from Joshua Sheely, VP-Head of Retail Construction, Citizens, dated November 2, 2021, re: attaching an Option 2 rendering of the Exterior Plan of the Citizens Bank branch located at 37307 Six Mile Road, 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:

#327-21 RESOLVED, that having considered a communication from the City Planning Commission, dated September 27, 2021, which transmits its resolution #09-50-2021, adopted on September 21, 2021, with regard to Petition 2021-08-08-05, submitted by Hellyer Lewis, Inc., requesting to remodel the exterior of the Citizens Bank at 37307 Six Mile Road, located on the south side of Six Mile Road between Levan and Newburgh Roads in the Northwest $\frac{1}{4}$ of Section 17, the Council does hereby concur in the recommendation of the Planning Commission and Petition 2021-08-08-05 is hereby approved and granted, subject to the following conditions:

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1. That the Exterior Elevations Plans identified as No. A-1.03 and No. A 1,04, both dated August 13, 2021, as revised, prepared by Hellyer Lewis Inc., are hereby approved and shall be adhered to;
2. That the Petitioner shall submit a maintenance schedule to the Inspection Department indicating the annual inspections of the exterior of the building, and that the building shall be repainted at least every five (5) years, or sooner, as may be determined by the Inspection Department;
3. That the specific plans referenced in this approving resolution shall be submitted to the Inspection Department; and
4. Pursuant to Section 13.13(12)(F)(i) of the Livonia Vision 21 Zoning Ordinance, this approval is valid for a period of ONE YEAR ONLY from the date of approval by City Council, and unless a building permit is obtained, this approval shall be null and void at the expiration of said period.

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

was:

#328-21 RESOLVED, that having considered a communication from the Department of Law, dated October 14, 2021, approved for submission by the Mayor, transmitting for Council acceptance of a quit claim deed from Adams Park Development, LLC, for the right-of-way adjacent to Parcel I.D.s #46 095-99-0011-000 and # 46 096-99-0004-000 (Lyndon Park Site Condominium), more particularly described as:

Part of the South 1/2 of Section 24, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as:

Commencing at the center 1/4 corner of said Section 24 as recorded in L.C.R.C. L. 47230, P. 445-446 W.C.R., and the point of beginning; thence along the east-west 1/4 line of Section 24, S 89°28'13" E 659.96 feet to the west line of Buckingham Village Subdivision as recorded in L. 77, P. 66-67 of Plats, W.C.R.; thence along said line S 00°21'49" W 89.99 feet to a point on a curve concave to the south with a radius of 990.52 feet; thence northwesterly 306.34 feet along the arc of said curve, through a central angle of 17°43'12" (the chord of said curve bears N 80°36'37" W 305.12 feet); thence N 89°28'13" W 358.34 feet to the north-south 1/4 line of Section 24; thence continuing N 89°28'13" E 0.37 feet; thence N 89°33'41" W 122.48 feet to the east line of Harrison Avenue (86 feet wide); thence N 00°07'35" W 43.00 feet to the east-west 1/4 line of Section 24; thence along said line

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S 89°33'41" E 122.94 feet to the point of beginning. Containing 0.8799 acres of land.

The Council does hereby, for and on behalf of the City of Livonia, accept the aforesaid quit claim deed, and the Mayor and City Clerk are hereby authorized to execute the Quit Claim Deed conveying the above-described property to the City of Livonia, and the City Clerk is hereby requested to have the same recorded in the Office of the Register of Deeds and to do all other things necessary or incidental to fulfill the purpose of this resolution.

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

On a motion by Toy, supported by Bahr, and unanimously adopted, this 1,932nd Regular Meeting of the Council of the City of Livonia was adjourned at 7: 51 p.m. on November 8, 2021.

Susan M. Nash, City Clerk