

**MINUTES OF THE
VIRTUAL REGULAR MEETING OF THE HIGHLAND PARK CITY COUNCIL**

JULY 20, 2020

Council convened at 7:01 p.m. with Council President Clyburn presiding.

Present: Council Pro Tem Patrick, Councilmember Bates, Councilmember Armstrong and Council President Clyburn (4).

Absent: Councilmember Lewis (1).

A quorum being present, Council was declared in session.

APPROVAL OF AGENDA

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

To approve the agenda as presented. Yeas (4), Nays (0), Absent (1) Councilmember Lewis.

APPROVAL OF MINUTES

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

To approve the minutes of the Virtual Workshop meeting held July 6, 2020. Yeas (4), Nays (0), Absent (1) Councilmember Lewis.

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Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

To approve the minutes of the Virtual Regular meeting held July 6, 2020. Yeas (4), Nays (0), Absent (1) Councilmember Lewis.

**VETO
07-20-20 IV a**

Pursuant to Section 6-3 of the City Charter, Veto of Council Action, the purpose of this letter is veto and therefore suspend the operation of Council's vote on July 6, 2020, wherein Council declares it has a bona fide dispute with the Mayor for the reason that I am being paid a salary as Mayor of Highland Park while receiving my pension. While this matter has been addressed before, which is evidenced by the attached documents, my reasons for vetoing Council's action are set forth below:

1. Council's action per resolution is *ultra vires* and is ineffective as an act of Council because it is outside of the legal authority of the Council. See *Parker v West Bloomfield Twp.*, 60 Mich App 583,595-596 (1975).

Under the Michigan Constitution, Article IX, Section 24, "the accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be of a contractual obligation thereof which shall not be diminished or impaired thereby." "accrued financial benefits" as used in the Michigan Constitution provision relating to public pensions and retirement systems means the right to receive certain pension payments upon retirement based upon service performed. *Halstead v. Flint*, 127 Mich. App. 148, 338 N.W.2d 903, 1983 Mich. App. LEXIS 3102 (Mich. Ct. App. 1983).

Further, both the history from the constitutional convention and the language of the pension provision itself make it clear that the remedy for impairment of pensions is an action in the appropriate court. *In re City of Detroit*, 504 B.R. 191, 2013 Bankr. LEXIS 5120 (bankr. E.D. 2013).

2. The law is clear; Council may not arbitrarily and capriciously demand that the Mayor waive his pension without amending the City's Charter to establish a policy to protect his vested right.

In Van Antwerp v Detroit, 47 Mich App 707 (1973), Van Antwerp was a retired police officer, who, after 25 years of service, began receiving pension benefits pursuant to the City of Detroit Policemen and Firemen Retirement System. Upon his election to City Council, however, his pension benefits were terminated for the stated reason that he was receiving compensation as a member of the Common Council.

Van Antwerp filed a writ of mandamus against the City of Detroit. The lower court ordered payment of pension benefits to plaintiff, from the date payments were terminated to the present with interest therefrom until paid and for benefits accruing in the future. From this decision, defendants sought leave to appeal. The Court of Appeals affirmed, citing 162 ALR 1469, p 1469, which states, in pertinent part:

"Hence, where the statute under which the pension is granted provides for forfeiture or suspension of a retirement pension granted to a public officer or employee in case he should accept employment by the Federal government, the state, or one of its political subdivisions, such statute will effectively forfeit or suspend the payment of the pension in case the contingency happens. On the other hand, where the statute does not contain such a clause, the acceptance of public

employment by a retired public servant has no effect whatsoever on his pension right, unless he is found to have waived such right. ****” (Van Antwerp, 715)

This language was also cited with approval by the Attorney General with regard to the same problem:

[I]n my opinion there is no provision in the legislative retirement act which would have the effect of denying a retirement allowance to a legislator who has become a retirant and thereafter returned to the legislature.” OAG, 1967-1968, No 4365, p 61 June 26, 1967). (van Antwerp, 715)

The City of Highland Park’s revised Charter, Section 17-1, “City’s Responsibilities,” refers to the language of the Michigan Constitution:

The accrued financial benefits of active and retired City employees under each city pension pan and retirement system, being contractual obligations of the City under Article IX, Section 24 of the Michigan Constitution of 1963, shall in no event be diminished or impaired.

While municipalities governing retirement systems have the power to modify their plans at will, they must do so by an appropriate charter amendment, which affords affected pensioners minimal procedural protection of their otherwise mature rights (Van Antwerp, HN3).

3. Finally, Council should be reminded that the three prior emergency managers saw the illegality in making such a demand and chose to follow the law. During Ramona Pearson’s tenure as Emergency Financial Manager, Titus McClary, a retired Highland Park police officer, was Mayor. While Ms. Pearson suspended the Mayor’s salary as a cost-saving measure, his pension payments were never waived nor suspended. It should also be noted that while I served on City Council at that time, I was never asked to waive my pension payments because I was receiving a stipend as a Council member.

I was elected Mayor after Arthur Blackwell became Emergency Financial Manager. Mr. Blackwell partially restored the Mayor’s salary, but my pension was never an issue; I was never asked to waive my pension payments because I was being paid a salary from the City. Emergency Financial Manager Robert Mason followed the wisdom of his predecessors in this regard.

It is apparent that all three emergency financial managers were aware of the legal consequences of demanding that Highland Park retirees who later serve as elected officials waive their pension payments because they receive a salary from the City of Highland Park. The City Attorney concurs in this veto and has additional legal challenges to Council’s vote on this illegal resolution.

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

To override the Mayor's veto. Yeas (4), Nays (0), Absent (1) Councilmember Lewis.

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07-20-20 IV b

On July 6, 2020, a resolution was passed Declaring a Bona Fide Dispute between the Highland Park City Council and Mayor Hubert Yopp in the matter involving Ajax Paving Industries.

This Veto of Council's action is pursuant to the powers granted under Section 6-3 of the City Charter. This Veto is necessary because there is no bona fide dispute. Section 7-1 of the City Charter exclusively vests the administrative and executive powers of the City with the Mayor. Charter Sections 7-2 and 7-5 grant the Mayor the power to appoint the City Attorney whose representation includes that of the City Council. The Council's attempt to retain outside counsel is contrary to the Charter. The resolution is nothing more than a list of grievances based on opposition to the New Charter and unfavorable election results.

The resolution is full of inconsistent and inaccurate information. The only thing true is that Terry Ford and The Ford Law Firm represent the Mayor and the City Council in legal matters of the City of Highland Park. The opinions of the City Attorney are not based on friendship, but based on law and have been supported by the Wayne County Circuit Court on numerous occasions, which include the following:

Opposition to New Charter – City Council was opposed to the new Charter and on March 18, 2018, unanimously adopted a resolution to **not** support the Charter being placed on the ballot. The City Attorney addressed Council's concerns about the validity of the Charter and encouraged Council to allow citizens to vote on it. Opinions were issued by Attorney Samuel McCargo and the State Attorney General's Office finding the Charter was legally sufficient to be placed on the ballot. City Council still refused and the City sued. Council erroneously declared that there was a bona fide dispute and hired outside counsel. The Circuit Court ultimately agreed with the City Attorney and ordered City Council to place the Charter on the ballot. The Charter was adopted on May 7, 2019. The Opposition by City Council cost the City approximately eighty thousand (\$80,000) dollars.

Resisting Electoral Districts - The New Charter required that the City be divided into three (3) electoral districts. Due to the delay in passing the Charter, the City was under time constraints to ensure that the districts ended up on the ballot. The City Attorney made repeated requests for Council to implement a Re-Appportionment Plan. The Resolution was prepared by the Legal Department and placed on the Agenda for the meeting on June 3, 2019; however, City Council voted to remove it. Instead of having an independent company apportion the districts, Council delayed the process by attempting to create the districts. Fearing the delay would jeopardize a timely election, the City was forced to obtain court intervention. The Circuit Court ordered Council to accept the Independent Apportionment Plan. The resistance cost the City Approximately

Forty Thousand (\$40,000) Dollars.

Recreation Center Complaint - City Council retained outside counsel to sue the Mayor citing misuse of the Recreation Center. Council alleged that the Mayor failed to provide them with regular reports when it was actually the Highland Park Recreation Commission's responsibility to provide the documents. The case was ultimately dismissed. The lawsuit cost the taxpayers approximately Thirty-Five Thousand (\$35,000) Dollars.

City Council has continued to wage personal attacks against me and the City Attorney. Council's assertion that there is a bona fide dispute must be supported by facts and law. The New Charter gives the Mayor express authority to manage and control all City property, and I acted in accordance with Section 7-3(15). The DPW Yard is not being leased or sold and no City expenditures were utilized. Although City Council may disagree with the Opinion, the City Attorney found no Charter violation. The City Attorney informed Council President Carlton Clyburn about the issues concerning the property. He also offered to discuss the details in a closed session at the City Council meeting on June 15, 2020. Consequently, Charter Sections 7-5(4) and 7-5(6c) do not apply. Council made every effort to block the New Charter primarily because of that property provision.

This action is done to upset the results of the election where the voters spoke on this issue. This Council has erroneously followed Councilman Rodney Patrick, who expressed the identical proposition knowing the voters would decide the issue during the election. Councilman Patrick even communicated his opposition with a Facebook post on April 7, 2019, encouraging everyone to VOTE NO on the Proposed City Charter proclaiming that "**One Man** (The Mayor) should not control ALL City Property." This Resolution is nothing more than a continuation of the campaign against the New Charter. Now that the Charter is in effect, this Resolution also demonstrates City Council's campaign against the will of the people.

City Council's attempt to discredit Terry Ford and The Ford Law Firm is disingenuous and totally without merit. The citizens of Highland Park lack confidence in public officials who waste taxpayer dollars and spend more time on personal agendas instead of legitimate City business.

City Council declares that Charter violations have occurred of Section 7-5(1), 7-5(5) and 7-5(6b) by Terry Ford and The Ford Law Firm. The Charter states that **the duties of the Legal Department** shall include:

Section 7-5(1)

Act as legal advisor to the City Council and shall attend its meetings unless excused from.

City Council has failed to allege any specific conduct which constitutes a violation of Section 7-5(1). This provision has always permitted attendance by any attorney within the Legal Department, which has applied to Nikki Branch, Josephine Powell, Robin Kyle, Darnell Dickerson,

(Judge) Judy Hartsfield and others. The Legal Department has been present at every City Council meeting.

Section 7-5(5)

Conduct such actions in court and before other legally constituted tribunals as the City Council may direct.

Again, City Council has failed to allege any specific act or omission to support an alleged violation of Section 7-5(5). The City Attorney handles or supervises all cases for the City of Highland Park unless there is a conflict. The City Council cannot direct the City Attorney to pursue an action which is not supported by law or facts or which does not allow him to exercise his discretion.

Section 7-5(6b)

No board, commission or appointed officer shall employ or retain special counsel at City expense in any matter relating to the affairs of the City without first securing the approval of the City Council of such employment or retainer, except as otherwise provided by law.

The Resolution is vague and does not cite a specific instance or manner in which the Charter was purportedly violated. All attorneys retained at City expense are approved by City Council. All others are paid directly by the insurance companies without requiring the use of City funds.

Based on the above factors, there is no Bona Fide Dispute. The voters created my authority under the New Charter. Furthermore, I have full confidence in Terry Ford and The Ford Law Firm, who will continue serving the Mayor, City Council, and the City in all legal matters.

Moved by Councilmember Bates
Supported by Council Pro Tem Patrick

To override the Mayor's veto. Yeas (4), Nays (0), Absent (1) Councilmember Lewis.

ORDINANCE 1st Reading
07-20-20 V

The Clerk stated this was the 1st reading of the following ordinance:

An ordinance setting forth the authority and procedures for designating violations of city ordinances as municipal civil infractions, establishing a municipal ordinance violations bureau for the purpose of accepting admissions of responsibility for ordinance violations, authorizing the issuance of civil infraction notices and citations and the manner of serving the same; establishing

sanctions for municipal civil infractions; authorizing the collection and retention by the city of civil fines / costs for such violations as prescribed herein and to repeal all conflicting ordinance or parts of ordinances.

THE CITY OF HIGHLAND PARK ORDAINS:

Section 1. Title

This ordinance shall be known and cited as the City of Highland Park Civil Infractions Ordinance.

Section 2. Definitions

As used in this Ordinance:

- a. "Authorized city official" means any personnel of the city authorized by this ordinance or any other city ordinance to issue municipal civil infraction citations.
- b. "Municipal civil infraction" means an act or omission that is prohibited by any ordinance of the city (e.g. IMPC, Muni Codes, etc.), but which is not a crime under the ordinance, and for which civil sanctions, including, without limitation, fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. A municipal civil infraction is not a lesser included offense of a violation of any city ordinance that is a criminal offense.
- c. "Municipal civil infraction citation" means a written complaint prepared by an authorized city official and filed with the court, in those cases where the alleged violator either denies responsibility or admits responsibility with explanation following the issuance of a municipal civil infraction notice.
- d. "Municipal civil infraction notice" means a written notice issued and served by an authorized city official which shall notify an alleged violator of the proposed commenced by an authorized city official regarding the occurrence or existence of a municipal civil infraction violation.

Section 3. Establishment, Location and Personnel of Municipal Ordinance Violations Bureau

- a. Establishment of Bureau. The City of Highland Park Municipal Ordinance Violations Bureau (hereafter Bureau) is hereby established pursuant to Public Act 12 of 1994 (MCL 600.8396), as it may be amended from time to time, for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions, and to collect and retain civil fines/costs for such violations as prescribed herein.
Prior to, or in lieu of, the formal establishment of the City of Highland Park Municipal Ordinance Violations Bureau, the 30th District Court will accept

admissions of responsibility, with or without an explanation, for ordinance violations designated as municipal civil infractions. The Court shall collect civil fines/costs and remit them to the City of Highland Park.

For those individuals who deny responsibility, the 30th District Court will set the matter for a hearing pursuant to Section 7(b)(3)(i) or (ii).

For those individuals who fail to either admit or deny within the given time, then the court will enter a default and assess the prescribed fine.

- b. Location of Bureau. The bureau shall be located at the city hall/office.
- c. Personnel. Once formally established, all personnel of the Bureau shall be city employees. The Mayor may designate Bureau personnel and a Bureau clerk with the duties prescribed herein and as otherwise may be delegated by the Mayor.
- d. Operational Procedure. The City Administration may adopt rules and regulations for the operation of the Bureau.

Section 4. Bureau Authority

The Bureau shall only have authority to accept admissions of responsibility without explanation for municipal civil infractions for which a municipal ordinance violations notice has been issued and served, and to collect and retain the scheduled civil fines/costs for such violations specified pursuant to this ordinance or other applicable ordinance. The Bureau shall not accept payment of fines/costs from any person who denies having committed the alleged violation or who admits responsibility only with explanation. The Bureau shall not determine or attempt to determine the truth or falsity of any fact or matter relating to an alleged ordinance violation.

Section 5. Authorized City Officials

The following personnel are authorized to issue municipal civil infraction ordinance violation notices and/or municipal civil infraction citations:

- a. Any Peace Officer or Police Officer;
- b. Fire Department Officers;
- c. Building or other duly authorized Code Inspector or Officer;
- d. Ordinance Enforcement Officers;

The City Council may by resolution authorize such personnel to issue municipal civil infractions ordinance violation notices or municipal civil infraction citations as it deems necessary and proper.

Section 6. Civil Infraction Action

- a. Commencing Action. A municipal civil infraction action shall be commenced by the issuance of a municipal civil infraction notice by an authorized city official directing the alleged violator to contact the bureau for purposes of admitting or denying responsibility for the violation.
- b. Grounds for Issuing Notice. An authorized city official may issue a municipal civil infraction notice to a person if:
 - 1. The authorized city official witnesses that person commit a municipal civil infraction, or
 - 2. Based upon investigation, the official has reasonable cause to believe that that person is responsible for a municipal civil infraction; or
 - 3. Based upon investigation of a complaint by someone who allegedly witnessed that person commit a municipal civil infraction, the official has reasonable cause to believe that that person is responsible for an infraction and if the City attorney approves in writing the issuance of the municipal civil infraction notice.

Section 7. Civil Infraction Notice

- a. Contents of Notice. A municipal ordinance notice shall at a minimum contain the following information:
 - 1. The name and address of the alleged violator;
 - 2. The municipal civil infraction alleged;
 - 3. The address and telephone number of the bureau;
 - 4. The days and hours that the bureau is open;
 - 5. The amount of the scheduled fines/costs for the violation;
 - 6. The time within which the person must contact the bureau for purposes of admitting or denying responsibility for the violation;
 - 7. The methods by which the violation may be admitted or denied; and
 - 8. The consequences of failing to pay the required fines/costs or contact the bureau within the required time;
- b. Rights of Violator. Further, the municipal civil infraction notice shall inform the alleged violator that he or she may do one of the following:

1. Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
2. Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or, in person, or by representation.
3. Deny responsibility for the municipal civil infraction by doing either of the following:
 - i. Request an informal hearing in which event he or she shall appear in person for a hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the city; or
 - ii. Request a formal hearing before a judge, with the opportunity of being represented by an attorney.
- c. Effect of Failure to Admit. The municipal civil infraction notice shall also inform the alleged violator that in the event the alleged violator admits responsibility "with explanation", denies responsibility or fails to contact the bureau within the prescribed time, the municipal civil infraction will be filed with the 30th District Court for entry of default or the setting of an informal hearing or setting of a formal hearing as set forth in Section 7b.

Section 8. Civil Infraction Citation

- a. When Citation Shall Issue. Where a person fails to admit responsibility without explanation for a violation within the jurisdiction of the Bureau and pay the required civil fines/costs within the designated time period, the bureau clerk or other designated city employee(s) shall advise the authorized city official to issue and file a municipal civil infraction citation for such violation with the court having jurisdiction of the matter.
- b. Contents of Citation. The citation filed with the court and served on the alleged violator shall contain the following information:
 1. The name and address of the alleged violator;
 2. A sworn complaint containing all the allegations regarding the violation as set forth in the municipal civil infraction notice;
 3. The place where the alleged violator shall appear in court;
 4. The address and telephone number of the court;
 5. The time that the appearance shall be made;

6. Clear and unambiguous information on how the alleged violator must respond to the citation; and
 7. Notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.
- c. Rights of Violator. The citation shall also inform the alleged violator of his or her right to admit or deny the violation, as more fully set forth Section 7b of this ordinance.
 - d. Service of the Citation. A copy of the citation may be served on the alleged violator either by personal service or by first class mail sent to the alleged violator's last known address. The citation shall thereafter be processed in the manner required by law.

Section 9. Schedule of Civil Fines/Costs

Unless a different schedule of civil fines is provided for by an applicable ordinance, the civil fines payable to the bureau upon admissions of responsibility by persons served with municipal ordinance violation notices shall be determined pursuant to the following schedule and on the basis of the of the date of the violation(s):

- **First violation \$150**
- **Second violation \$350**
- **Third and subsequent violation \$500 and/or a misdemeanor**

In addition to the above prescribed civil fines, costs in the amount of \$10 shall be assessed by the Bureau if the fine and costs are paid within 10 days of the date of service of the municipal ordinance violation notice. Otherwise, costs of \$20 shall be assessed by the Bureau.

Section 10. Record and Accounting

The Bureau clerk or other designated city official/employee shall retain a copy of all municipal ordinance violation notices and shall account to the City Council once a month or at such other intervals as the City Council may require concerning the number of admissions and denials of responsibility for ordinance violations within the jurisdiction of the bureau and the amount of fines/costs collected with respect to such violations. The civil fines/costs collected shall be delivered to the City Treasurer at such intervals as the treasurer shall require, and shall be deposited in the specified accounts of the city.

Section 11. Availability of Other Enforcement Options

Nothing in this ordinance shall be deemed to require the City to initiate its municipal civil infraction ordinance enforcement activity through the issuance of an ordinance violation notice. As to each ordinance violation designated as a municipal civil infraction, the City may, at its sole discretion, proceed directly with the issuance of a municipal civil infraction citation or take such other enforcement action as is authorized by law.

Section 12. Severability

The provisions of this ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance which shall continue in full force and effect.

Section 13. Repeal

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 14. Effective Date

This ordinance shall take effect immediately upon publication as required by law following adoption by the City Council.

**CITY ADMINISTRATOR
07-20-20 VI**

The following resolution was submitted for approval.

**RESOLUTION TO ESTABLISH AN APPROPRIATION TO REFUND APPLICATION
FEES FOR SURPLUS PROPERTY SALES**

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

WHEREAS, from 2016 to present, citizens applied to the City for the purchase of surplus property by completing applications and paying a \$25.00 and/or \$50.00 application fee; and

WHEREAS, in many instances the properties were not sold due to unforeseen circumstances and or ineligible authority; and

NOW, THEREFORE BE IT RESOLVED, that the City Council approves an appropriation of \$10,000 to the current fiscal year budget 2021 to reimburse application fees based on administrative review. Yeas (4), Nays (0), Absent (1) Councilmember Lewis.

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**CITY COUNCIL
07-20-20 VII a**

Council President Clyburn updated the Council about the COVID-19 Just Recovery Task Force. Council Pro Tem Patrick and Councilmember Bates volunteered to be the council representatives.

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07-20-20 VII b

The following resolution was submitted for approval.

RESOLUTION REQUESTING THE ATTORNEY GENERAL FOR THE STATE OF MICHIGAN INTERVENE ON BEHALF OF THE CITY OF HIGHLAND PARK IN THE LEGAL CASE OF #1812866 YOPP V CITY OF HIGHLAND PARK, MI

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

WHEREAS, Gregory Yopp, son of Highland Park Mayor Hubert Yopp, has filed suit against the City of Highland Park, *and*

WHEREAS, the City Attorney, Terry Ford, is a friend and advocator of Mayor Hubert Yopp, and

WHEREAS, the Highland Park City Council, with a legal Resolution has spoken in the negative through a ‘No Confidence Vote’ in our City Attorney, and

WHEREAS, Mayor Hubert Yopp in the last term had, on more than one occasion, attempted to participate in the discussion of the merits of this particular case by unlawfully refusing to exit the City Council ‘Closed Session’ meetings to discuss this case and others which is a clear violation of the ‘Open Meetings Act’ and a ‘Conflict of Interest’, NOW,

THEREFORE, BE IT RESOLVED THAT, due to the nature of this case, the circumstances surrounding this case and the clear ‘conflicts of interest’ that exists, the Highland Park City Council would like to formally request that the State Attorney General Dana Nessel intervene in this particular case to provide an objective view going forward based upon the merits.
Yeas (4), Nays (0), Absent (1) Councilmember Lewis.

**COMMUNITY DEVELOPMENT
07-20-20 VIII a**

The following resolution was submitted for approval.

SALE OF 135 OF CITY-OWNED PARCELS TO HAMILTON CORRIDOR, LLC.

Moved by Councilmember Bates
Supported by Council Pro Tem Patrick

WHEREAS, the City of Highland Park holds in its inventory a surplus of City owned parcels that are not producing a taxable, habitable nor general benefit to the City and its residents; and

WHEREAS, it is the goal of the City to decrease the number of City owned parcels and return them to productive use; and

WHEREAS, the City of Highland Park is the owner of 135 of properties listed on Attachment "A"; and

WHEREAS, Ordinance No. 208.10 states the City may sell city-owned real property; and

WHEREAS, Hamilton Corridor, LLC, 535 Griswold Street, Suite 111, Detroit, MI 48226, desires to purchase the 135 of properties listed on Attachment "A" for development; and

WHEREAS, the City Assessor has set the value at \$500 per lot; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Highland Park approves the sale of the properties listed on Attachment "A" for \$67,500 to Hamilton Corridor, LLC, Suite 111, Detroit, MI 48226 for fair market value as determined by the City Assessor by Quit-Claim Deed. Yeas (4), Nays (0), Absent (1) Councilmember Lewis.

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07-20-20 VIII b

The following resolution was submitted for approval.

RESOLUTION TO SELL 45 CANDLER TO PATRICIA DARWISH

WHEREAS, City Ordinance 208.11 authorizes the sale of vacant lots with structures; and

WHEREAS, the City of Highland Park is the owner of 45 Candler and 39 Candler, parcel #43- 002-02-0015-000 and #43-002-02-0014-000 which is a commercial lot with a structure; and

WHEREAS, the City of Highland Park has received an Offer to Purchase from Patricia Darwish (Buyer) a Program Developer that has a Master's in Early Childhood Education with over 25 Years working for communities; Offer for 45 Candler to rehabilitate the structure into a Child Development and Elderly Care Facility and 39 Candler for parking; to help support promote a healthy environment and assist in becoming active neighbors in Highland Park Community; and

WHEREAS, the Buyer must fully comply with all of the requirements of Ordinance 208.11 for the sale of commercial lots with structures; and

WHEREAS, the City Assessor has set the market value at \$17,040; and \$500 for the lot; and

NOW, THEREFORE, BE IT RESOLVED that the City authorizes the Department of Community and Economic Development to sell 45 Candler and 39 Candler to Patricia Darwish at a price of \$17,540 and will issue a Quit-Claim deed.

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

To table the above item. Yeas (4), Nays (0), Absent (1) Councilmember Lewis

FINANCE
07-20-20 IX

The following resolution was submitted for approval.

**RESOLUTION TO AMEND CONTRACT WITH YEO & YEO FOR FINANCIAL
AUDIT SERVICES**

Moved by Councilmember Bates
Supported by Council Pro Tem Patrick

WHEREAS, on April 20, 2020, Highland Park approved a contract with Yeo & Yeo for the audit of the financial accounts and records covering fiscal years 2019/2020 and 2020/2021; and

WHEREAS, the primary purpose of the auditing and reporting requirements of PA 2 of 1968 is to maintain the confidence of all interested parties in the integrity of the record keeping and financial reporting of local units of government; and

WHEREAS, Yeo & Yeo, in their preliminary audit work, found that there was insufficient information to verify the beginning balances from the prior year's audit; and

WHEREAS, it is, therefore, necessary for Yeo & Yeo to audit the beginning balances which is outside the scope of their original contract and necessitates an addendum; and

NOW, THEREFORE, BE IT RESOLVED that the City of Highland Park approves an addendum to year-one of the Yeo & Yeo contract to confirm the FY 2019/2020 beginning balances at a price not to exceed \$12,000. Yeas (4), Nays (0), Absent (1) Councilmember Lewis.

OUTSIDE COMMUNICATION

07-20-20 X a

Moved by Councilmember Bates
Supported by Council Pro Tem Patrick

To receive and file the notice from Michigan Liquor Control Commission regarding transfer ownership 2020 SDD & SDM license from Highland Park RX, LLC. to HPCLS at 13821 Woodward. Yeas (4), Nays (0), Absent (1) Councilmember Lewis.

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07-20-20 X b

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

To receive and file the notice from Michigan Liquor Control Commission regarding transfer of all stock interest by dropping existing stockholder Jawan Matti and as a result new stockholder Sonia Mattie in conjunction with 2020 SDD & SDM license located at 12119 Woodward. Yeas (4), Nays (0), Absent (1) Councilmember Lewis. Yeas (4), Nays (0), Absent (1) Councilmember Lewis.

ADJOURNMENT

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

To adjourn the meeting, motion carried, meeting adjourned at 8:14p.m.

CERTIFICATE

I hereby certify that the attached is a copy of the minutes of the Virtual Regular Meeting held the 20th of July 2020 and that said minutes are available for public inspection at the address designated on the posted public notice.



Cidia Wicker-Brown, Deputy City Clerk