

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

NOVEMBER 20, 2017

Council convened at 7:03 p.m. with Council President Patrick presiding.

Present: Council Pro Tem McDonald, Councilmember Woodard, Councilmember Lewis and Council President Patrick (4).

Absent: Councilmember Marshall (excused) (1).

A quorum being present, Council was declared in session.

APPROVAL OF AGENDA

Moved by Council Pro Tem McDonald
Supported by Councilmember Lewis

To approve the agenda. Yeas (4), Nays (0), Absent (1).

APPROVAL OF MINUTES

Moved by Councilmember Lewis
Supported by Council Pro Tem McDonald

To approve the minutes of the Workshop meeting held November 6, 2017. Yeas (4), Nays (0), Absent (1).

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Moved by Councilmember Lewis
Supported by Council Pro Tem McDonald

To approve the minutes of the Regular meeting held November 6, 2017. Yeas (4), Nays (0), Absent (1).

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Moved by Councilmember Lewis
Supported by Councilmember Woodard

To approve the minutes of the Special Workshop meeting held November 14, 2017. Yeas (4), Nays (0), Absent (1).

BID OPENING
11-20-17 Va

The Clerk stated this was the place and time to open bids received for Mobile Audio Video and Body Worn Camera Contract.

4 (four) bids were received:

Axon Enterprise, Inc.
17800 N. 85th St.
Scottsdale, AZ 85255
Body Camera \$39,928.13
In-Car Camera \$49,764.49

Motorola Solutions
500 W. Monroe St.
Chicago, IL 48105
Total Bid Amount: \$130,353.00

DataSource Mobility
1960 J. Madison St., PMB 315
Clarksville, TN 37043
Total Bid Amount: \$92,642.48

Utility Associates, Inc.
250 E. Ponce de Leon Ave.
Decatur, GA 30030
5 Year Purchase \$194,640.00
5 Year Finance \$146,700.00

Moved by Councilmember Woodard
Supported by Councilmember Lewis

To refer to the Police Department for a recommendation and a second request for council to be given bid specifications when RFP's are issued. Yeas (4), Nays (0), Absent (1).

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11-20-17 Vb

The Clerk stated this was the place and time to open bids received for 2017 Hydrant and System Valve Replacement Project.

1 (one) bid was received:

Bricco Excavating Co., LLC
21201 Meyers Rd.
Oak Park, MI 48237
Total Bid Amount: \$1,070,900.00

Moved by Councilmember Lewis
Supported by Councilmember Woodard

To refer to MCA to make a recommendation. Yeas (4), Nays (0), Absent (1).

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11-20-2017 Vc

The Clerk stated this was the place and time to open bids received for Comprehensive Building Mechanical and Repair Agreement.

1 (one) bid was received.

Great Lakes Power
30 W. Lantz
Detroit, MI 48203
Labor rates: Mon – Fri 7:30am – 4:00 pm \$126.00 per hour
After hours & Saturdays \$189.00 per hour
Sundays & holidays \$252.00 per hour

Moved by Councilmember Woodard
Supported by Councilmember Lewis

To refer to Director Faison of Public Works for a recommendation. Yeas (4), Nays (0), Absent (1).

**TABLED ITEM
11-20-17 VI**

Moved by Councilmember Lewis
Supported by Councilmember Woodard

To bring back the following item. Yeas (4), Nays (0), Absent (1).

**RESOLUTION TO APPROVE REPLACEMENT OF
OVERHEAD GARAGE DOORS FOR DPW**

Moved by Councilmember Woodard
Supported by Councilmember Lewis

WHEREAS, the City of Highland Park has experienced an emergency due to the collapse of two overhead garage door, which were in a state of disrepair; and

WHEREAS, both doors were replaced to secure the DPW mechanics garage and storage facility to protect DPW valuable equipment, vehicles, and hand tools stored within the complex; and

WHEREAS, the DPW storage complex also has valuable and irreplaceable court, police, fire department and other important city documents stored within the complex, which are now in protected storage; and

WHEREAS, Jan Door Company is the single source door manufacturer who has serviced the DPW yard overhead garage doors since 1995; and

WHEREAS, the cost to manufacture replacement doors, remove the damaged doors, and replace both doors to properly secure the DPW complex totals \$8,545.50.

NOW, THEREFORE, BE IT RESOLVED, that funding in the amount of \$8,545.00 is approved by City Council for the replaced overhead doors to resolve this emergency. Yeas (4), Nays (0), Absent (1).

CITY ADMINISTRATOR
11-20-17 VIIa

The following contract was submitted for approval.

**THIRD AMENDMENT TO AGREEMENT FOR COLLECTION AND DISPOSAL OF
RESIDENTIAL SOLID WASTE AND YARD WASTE**

Moved by Councilmember Woodard
Supported by Councilmember Lewis

To approve the Third Amendment of the Agreement for Collection and Disposal of Residential Solid Waste and Yard Waste between the City of Highland Park and Waste Management of Michigan, Inc. Yeas (4), Nays (0), Absent (1).

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11-20-17 VIIIb

The following agreement was submitted for approval.

MERS Uniform 457 Supplemental Retirement Program Resolution

Moved by Councilmember Woodard
Supported by Councilmember Lewis

This Resolution, together with the MERS 457 Supplemental Retirement Program and Trust Master Plan Document and the MERS 457 Supplemental Retirement Program Participation Agreement and any Addendum thereto, constitute the entire MERS 457 Deferred Compensation Plan Document.

WHEREAS, the Municipal Employees Retirement Act of 1984, Section 36(2)(a), MCL 38.1536(2)(a)(MERS Plan Document (Section 36(2)(a)) authorizes the Municipal Employees' Retirement Board (the "Board") to " establish additional programs including but not limited to defined benefit, defined contribution, ancillary benefits, health and welfare benefits, and other postemployment benefit programs," and on November 8, 2011, the Municipal Employees' Retirement Board adopted the MERS 457 Deferred Compensation Plan.

WHEREAS, this Uniform Resolution has been approved by the Board under the authority of Section 36(2)(a), and the Board has authorized the MERS 457 Deferred Compensation Plan, which shall not be implemented unless in strict compliance with the terms and conditions of this Resolution.

WHEREAS, the Participating Employer, a participating "municipality" (as defined in Section 2b(2) in the Municipal Employees Retirement Act of 1984; MCL 38.1502b(2); Plan Document Section 2b(4)) or participating "court" (circuit, district or probate court as defined in Section 2a(4) - (6) of the Act, MCL 38.1502a(4) - (6); Plan Document Section 2a(4) - (6)) within the State of Michigan has determined that in the interest of attracting and retaining qualified employees, it wishes to offer a deferred compensation plan;

WHEREAS, the Participating Employer has also determined that it wishes to encourage employees' saving for retirement by offering salary reduction contributions;

WHEREAS, the Participating Employer has reviewed the MERS 457 Supplemental Retirement Program (" Plan");

WHEREAS, the Participating Employer wishes to participate in the Plan to provide certain benefits to its employees, reduce overall administrative costs, and afford attractive investment opportunities;

WHEREAS, the Participating Employer is an Employer as defined in the Plan:

WHEREAS, concurrent with this Resolution, and as a continuing obligation, this Governing Body has completed and approved, and submitted to MERS and the Board documents necessary for adoption and implementation of the Plan: and

WHEREAS, the Governing Body for and on behalf of the Participating Employer is authorized by law to adopt this Resolution approving the Participation Agreement on behalf of the Participating Employer. In the event any alteration of the terms or conditions stated in this Resolution is made or occurs, it is expressly recognized that MERS and the Retirement Board, as sole trustee and fiduciary of the Plan and its trust reserves, and whose authority is nondelegable, shall have no obligation or duty to continue to administer (or to have administered) the MERS 457 Supplemental Retirement Program for the Participating Employer.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body adopts the MERS 457 Supplemental Retirement Program as provided below.

- I. The Participating Employer adopts the Plan for its Employees.
- II. The Participating Employer hereby adopts the terms of the Participation Agreement, which is attached hereto and made

a part of this Resolution. The Participation Agreement sets forth the Employees to be covered by the Plan, the benefits to be provided by the Participating Employer under the Plan, and any conditions imposed by the Participating Employer with respect to, but not inconsistent with, the Plan. The Participating Employer reserves the right to amend its elections under the Participation Agreement, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Board.

- III. The Participating Employer shall abide by the terms of the Plan, including amendments to the Plan made by the Board, all investment, administrative, and other service agreements of the Plan and the Trust, and all applicable provisions of the Internal Revenue Code and other applicable law.
- IV. The Participating Employer acknowledges that the Board is only responsible for the Plan and any other plans of the Employer administered by MERS and that the Board has no responsibility for other employee benefit plans maintained by the Employer that are not part of MERS.
- V. The Participating Employer accepts the administrative services to be provided by MERS and any services provided by a Service Manager as delegated by the Board. The Participating Employer acknowledges that fees will be imposed with respect to the services provided and that such fees may be deducted from the Participants' accounts.
- VI. The Participating Employer acknowledges that the Plan contains provisions for involuntary Plan termination.
- VII. The Participating Employer acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights shall be held in trust for the exclusive benefit of Participants and their Beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries and for defraying reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights held as part of the Plan, shall be transferred to the Board to be held, managed, invested and distributed as part of the Trust

Fund in accordance with the provisions of the Plan. All contributions to the Plan must be transferred by the Participating Employer to the Trust Fund. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan.

- VIII. This Resolution and the Participation Agreement shall be submitted to the Board for its approval. The Board shall determine whether the Resolution complies with the Plan, and, if it does, shall provide appropriate forms to the Participating Employer to implement participation in the Plan. The Board may refuse to approve a Participation Agreement by an Employer that does not possess State statutory authority to participate in the Plan. The Governing Body hereby acknowledges that it is responsible to assure that this Resolution and the Participation Agreement are adopted and executed in accordance with the requirements of applicable law.

BE IT FINALLY RESOLVED: This Resolution shall have no legal effect under the Plan until a certified copy of this adopting Resolution is filed with MERS, and MERS determines that all necessary requirements under the 457 Supplemental Retirement Program Plan and Trust, the Participation Agreement, and this Resolution have been met. All dates for implementation of the Plan shall be determined by MERS from the date of filing with MERS of this Resolution in proper form and content. Upon MERS determination that all necessary documents have been submitted to MERS, MERS shall record its formal approval upon this Resolution, and return a copy to the Employer.

In the event an amendatory Resolution or other action by the municipality is required, such Resolution or action shall be deemed effective as of the date of the initial Resolution or action where concurred by this Governing Body and MERS (and a third-party administrator, if applicable and necessary). The terms and conditions of this Resolution supersede and stand in place of any prior resolution, and its terms are controlling. Yeas (4), Nays (0), Absent (1).

**COMMUNITY DEVELOPMENT
11-20-17 VIIIa**

The following resolution was submitted for approval.

**CITY OF HIGHLAND PARK CONTRACT AGREEMENT FOR
EMERGENCY SIDEWALK REMOVAL AND REPLACEMENT FOR
139, 194 & 193 TENNYSON, 193 CONNECTICUT & 220 WINONA**

Moved by Councilmember Lewis
Moved by Councilmember Woodard

WHEREAS, properties located at various addresses are owned by the City of Highland Park;
and

WHEREAS, some properties owned by the City of Highland Park are dilapidated & unsafe and therefore must be removed and replaced; and

WHEREAS, state & local law requires that removal and replacement is completed by a license contractor; and

WHEREAS, The Department of Community & Economic Development solicited bid proposals for Emergency Sidewalk Removal and Replacement for 139, 194 & 193 Tennyson, 193 Connecticut & 220 Winona; and

WHEREAS, The City Council has accepted, read and reviewed the bid proposals in an open meeting to the Public;

WHEREAS, The Department of Community & Economic Development Project Manager reviewed and tabulated each bid, presented the findings to the Administration and City Council and found McCarthy Construction to be the lowest, responsible and qualified bidder;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Highland Park that; The City Council authorizes a Resolution approving the contract of Emergency Sidewalk Removal and Replacement to McCarthy Construction, located 1033 Rig St., Commerce, MI 48390 for a bid price of \$8,438.00. Yeas (4), Nays (0), Absent (1).

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11-20-17 VIIIb

The following resolution was submitted for approval.

RESOLUTION TO AMEND BUDGET FOR REPAIRS AT FORD RECREATION CENTER

Moved by Councilmember Lewis
Supported by Councilmember Woodard

WHEREAS, the cost of repairs for Ernest T. Ford Recreation Center (“Rec Center”) locker room repairs has resulted in a need to increase the funds originally allocated for the Rec Center repairs; and

WHEREAS, total cost needed for the repairs are \$99,520; and

WHEREAS, the total CDBG funds available for the project are \$74,009.52 leaving a gap of \$25,510.48; and

WHEREAS, the estimated cost for the Project Manager services for oversight and project close out is estimated to be \$1,500; and

WHEREAS, the City Council has previously requested and supported the repair of the recreation center locker rooms for the benefit of community programming;

NOW, THEREFORE, BE IT RESOLVED, that the City Council approves a budget amendment in the amount of \$27,010.48 to complete the repairs to the locker rooms repair project at the Rec Center.

After discussion with CED Director Robinson Councilmember Lewis withdrew her motion.

Moved by Council Pro Tem McDonald

Motion failed due to lack of support

FINANCE
11-20-17 IX

The Monthly Financial Statement for October 31, 2017 was received and filed.

LEGAL
11-20-17 X

The following resolution was submitted for approval.

**RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF CITY OF
HIGHLAND PARK V HAMILTON PROPERTY HOLDINGS
CASE NO. 16-12551**

Moved by Council Pro Tem McDonald
Supported by Councilmember Woodard

WHEREAS, this action arose from costs incurred to suppress a fire that erupted on February 3, 2016, at 14310 Hamilton Avenue in Highland Park, Michigan; and

WHEREAS, the City is unable to recoup those costs as the owner of the property is insolvent and uninsured; and

WHEREAS, any further efforts to resolve this matter through legal process of the courts would incur additional costs to the City, and to no avail; and

WHEREAS, in the alternative, the parties agree to the following proposed terms to settle this matter:

1. Hamilton Avenue Property Holdings will agree to pay the City \$55,000.00 upon a sale of the Property from the net proceeds at the closing of the sale.

2. In the event there is no sale, but the property is successfully developed, Hamilton Avenue Property Holdings will agree to the City's demand to pay the City \$130,000.00 based on a joint venture that is completed and revenue-generating for the property. Hamilton Avenue Property Holdings will pay the City 20% of the sum that Hamilton Avenue Property Holdings collects until the \$130,000.00 is paid.
3. The City will have a first option to purchase the real estate when it first becomes certain to that Hamilton Avenue Property Holdings will likely lose the property to tax foreclosure, so that the City might, at its option, take ownership of the real estate prior to a tax foreclosure sale.
4. Hamilton Avenue Property Holdings will demonstrate progress towards cleaning up the property and developing it by June 1, 2018.
5. The City of Highland Park's Community and Economic Development Department will provide all of the assistance reasonably at its disposal and available to assist Hamilton Avenue Property Holdings in redeveloping the real estate, including all assistance available to procure Brownfield development grants to clean the property.

NOW, THEREFORE, BE IT RESOLVED, that the City Council approves the proposed settlement terms. Yeas (4), Nays (0), Absent (1).

**PLANNING COMMISSION
11- 20-17 XI**

The following request was submitted for approval.

Dear City Council Members:

On September 13, the Planning Commission accepted and approved LaBelle Towers' request for alley vacation. It is their request that the City Council accepts and approves their request for an alley vacation as well.

Moved by Councilmember Lewis
Supported by Council Pro Tem McDonald

To approve the alley vacation request of LaBelle Towers.

After discussion with CED Director Robinson and Project Coordinator Meghan Ryan-Akelis

Moved by Council Pro Tem McDonald
Supported by Councilmember Woodard

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

**CITY COUNCIL AFFAIRS
11-20-17 XII**

The following resolution was submitted for approval.

**RESOLUTION AUTHORIZING THE PURCHASE OF BULK ROAD SALT FOR
REMOVAL OF ICE AND SNOW IN HIGHLAND PARK**

Moved by Councilmember Lewis
Supported by Council Pro Tem McDonald

WHEREAS, the City of Highland Park, Department of Public Works has immediate need to purchase bulk road salt for snow and ice removal; and

WHEREAS, the City of Highland Park allows Procurement utilizing ACT 51 Local and Major Road funds; and

WHEREAS, Purchase Orders will be created to purchase between 400 and 500 tons of bulk road salt at \$47.84 per ton from Detroit Salt, LLC., 12841 Sanders Street Detroit, MI 48217

WHEREAS, the product meets all specifications required by the Department of Public Works; and

WHEREAS, the City Council must approve all purchases above \$4,000.00; and

WHEREAS, sufficient funds are available in ACT 51 local and major road accounts to purchase the road salt;

NOW, THEREFORE, BE IT RESOLVED, that funding is approved in the amount of \$23,920.00 to purchase bulk road salt from Detroit Salt, LLC., 12841 Sanders Street Detroit, MI 48217
Yeas (5), Nays (0), Absent (0).

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Moved by Councilmember Lewis
Supported by Council Pro Tem McDonald

To hold a Special Workshop Meeting on Monday, December 11, 2017 at 6:00 pm to discuss property sales. Yeas (4), Nays (0), Absent (1).

ADJOURNMENT

Moved by Councilmember Lewis

Supported by Councilmember Marshall

To adjourn the meeting, motion carried, meeting adjourned at 9:41 p.m.

CERTIFICATE

I, hereby certify that the attached is a copy of the proposed minutes of the Regular Meeting held the 20th day of November, 2017 and that said proposed minutes are available for public inspection at the address designated on the posted public notice.

A handwritten signature in blue ink, appearing to read 'Cidia Wicker-Brown', with a stylized flourish at the end.

Cidia Wicker-Brown, Deputy City Clerk