

**MINUTES OF THE
VIRTUAL REGULAR MEETING OF THE HIGHLAND PARK CITY COUNCIL
NOVEMBER 16, 2020**

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

Present: Council Pro Tem Patrick remotely from Highland Park, MI; Councilmember Bates remotely from Highland Park, MI; Councilmember Armstrong remotely from Highland Park, MI and Council President Clyburn remotely from Highland Park, MI (4).

Absent: Councilmember Jackson (1).

A quorum being present, Council was declared in session.

APPROVAL OF AGENDA

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

To approve the agenda with the addition of a resolution under Council Affairs and to add the heading of *Treasurer* for item IX. Yeas (4), Nays (0), Absent Councilmember Jackson (1).

APPROVAL OF MINUTES

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

To approve the minutes of the Virtual Special Meeting held October 15, 2020 with the addition of the attestation of each member of their remote attendance location and the correction that Councilmember Bates was absent. Yeas (4), Nays (0), Absent Councilmember Jackson (1).

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Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

To approve the minutes of the Virtual Regular Meeting held October 19, 2020 with the addition of the attestation of each member of their remote attendance location. Yeas (4), Nays (0), Absent Councilmember Jackson (1).

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Moved by Councilmember Armstrong
Supported by Councilmember Bates

To approve the minutes of the Virtual Special Meeting held October 27, 2020 with the addition of the attestation of each member of their remote attendance location. Yeas (4), Nays (0), Absent Councilmember Jackson (1).

VETO
11-16-20 IV

The following communication was received from Mayor Yopp.

I am exercising my authority, pursuant to Charter Section 6-3, to veto the Resolution adopted that purports to hire legal counsel to represent the City of Highland Park in the matter of *Khursheed Ash-Safii v. City of Highland Park*. This lawsuit is brought against the citizens of the City of Highland Park. No individual Council member is named as a defendant on the pleadings, which I reviewed.

In documents I have reviewed, it appears that Council members entered into an Engagement Agreement with a law firm, Howard & Howard, on October 23, 2020, which appears to be four days prior to the October 27, 2020, special meeting of Council. The agreement was not reviewed by the City Attorney, a violation of the City Charter Section 7-7(a)(6). If the engagement occurred prior to the Council vote at the special meeting, that would have been an additional Charter and/or legal violation.

The City Charter establishes the hiring and retention of the City Attorney, who is appointed and who may be removed only by the Mayor:

Sec. 7-2 Administrative Officers.

(a) The administrative officers of the City shall be the Mayor, the City Clerk, the Treasurer, the City Attorney, the Finance Director, and the several department heads created by authority of law and so designated by the City Council.

(b) All administrative officers, including members of the several boards and commissions of the City, shall be appointed and may be suspended or removed by the Mayor, unless otherwise provided herein or by law.

This attempt to replace the City Attorney is inconsistent with the Charter and is illegal.

The City Charter sets forth the limited circumstances for the retention of outside counsel, which do not exist here. There is no bona fide dispute between the City Attorney and "the City of Highland Park," which is the party being sued. The City Attorney's job is to protect and defend lawsuits such as this, brought against the City.

Finally, and of additional legal significance, which cannot be overstated, this Council's ill-advised, rash and illegal act of engaging an attorney without following the Charter would result in wasting tens of thousands of taxpayer dollars. Council sought to obtain a \$10,000.00 check for the initial payment of the attorneys' engagement fee, to be followed by an obligation to pay additional fees. This would result in \$10,000.00 paid, initially, followed by additional billings as costs are accumulated. It is unnecessary to waste City funds on a claim that is covered by our insurance, the defense having already been approved by the insurance company without wasting taxpayer money.

For these reasons, the Resolution is without legal effect, regardless of City Council approval.

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

To approve the resolution declaring a bona fide dispute exists between the Highland Park City Council and Mayor Hubert Yopp/City Attorney Terry Ford (Ford Law Firm) and the Highland Park City Council will exercise its rights to defend itself and hire an independent attorney to provide options and/or representation for legal matters based on disputed issues. Yeas (4), Nays (0), Absent (1) Councilmember Jackson.

TABLED ITEM
11-16-20 V

The following resolution was tabled from October 19,2020.

Moved by Councilmember Bates
Supported by Council Pro Tem Patrick

To bring back from the table. Yeas (4), Nays (0), Absent (1) Councilmember Jackson.

RESOLUTION TO SUPPORT HOUSE BILL HR 6422

Moved by Councilmember Bates
Supported by Councilmember Armstrong

WHEREAS, addressing the inadequate health care infrastructure is needed in our communities, **and**,

WHEREAS, by not funding and building necessary infrastructure, whether it be in transportation, water, power, schools, broadband, and more impacts every American life is now looming large on the horizon, **and**,

WHEREAS, House Bill HR 6422, calling for a \$4 trillion National Infrastructure Bank was introduced into the United States Congress by Representative Danny Davis (D-IL) on March 31, 2020, **and**,

WHEREAS, the bill, if passed, would be capitalized using privately-held treasuries, without creating new federal debt, **and**,

WHEREAS, it would make loans primarily to state and local governments to build much needed infrastructure in their areas and would create over 25 million permanent jobs, paying union level, David-Bacon wages, **and**,

WHEREAS, HR 6422 if passed, is written to address infrastructure needs in every single state, urban, and rural area of the country, as well as address income disparities and discrimination in contract agreements, **NOW**,

THEREFORE BE IT RESOLVED, that the Highland Park City Council adopt the resolution to support HR 6422, support the need to build infrastructure, support creating great paying jobs, and support action. This resolution, upon adoption by the Highland Park City Council shall be forwarded to the United States President Donald Trump, U. S. Senator Debbie Stabenow, U. S. Senator Gary Peters, U. S. Congresswoman Rashida Tlaib, Michigan Governor Gretchen Whitmer, Lt. Governor Garlin Gilchrist, Michigan State Representative Jewell Jones, Michigan Senator Betty Jean Alexander, Michigan State Senator Adam Holier, Wayne County Commissioner Martha G. Scott, Michigan Municipal League, and the Southeast Council of Governments. Yeas (4), Nays (0), Absent (1) Councilmember Jackson.

FINANCE
11-16-20 VI a

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

To receive and file financial statement September 30, 2020. Yeas (4), Nays (0), Absent (1) Councilmember Jackson.

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11-16-20 VI b

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

To receive and file financial statement October 31, 2020. Yeas (4), Nays (0), Absent (1) Councilmember Jackson.

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11-16-20 VI c

The following resolution was submitted for approval.

RESOLUTION TO ACCEPT THE CORONAVIRUS RELIEF LOCAL GOVERNMENT GRANTS (CRLGG) PROGRAMS AWARD

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

WHEREAS, the State of Michigan, in order to balance its budget, eliminated the statutory revenue sharing distribution to all local communities, reducing the City of Highland Park's annual revenue by approximately \$300,000; and

WHEREAS, the City of Highland Park is under budgetary stress due to reduced income in every area; and

WHEREAS, the City of Highland Park is under budgetary stress due to increased costs as a result of managing the Coronavirus requirements locally; and

WHEREAS, the Coronavirus Relief Local Government Grants (CRLGG) Program was created under 2020 Public Act 144 to provide coronavirus relief funds to local units to spend on eligible coronavirus-related expenditures; and

WHEREAS, in August 2020, to replace the lost Revenue Sharing, the State of Michigan awarded the City of Highland Park \$436,175 as proportionate share of the CRLGG program; and

WHEREAS, the award is to be used solely to reimburse the city to prepare for, respond to or prevent coronavirus-related expenses; and

WHEREAS, if a local unit does not spend all of the CRLGG Program funds by the end of 2020, unused funds must be returned to the state Treasury Department; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Highland Park accepts the Coronavirus Relief Local Government Grants (CRLGG) Programs Award of \$436,175 and agrees to return unused funds if not spent by the end of 2020. Yeas (4), Nays (0), Absent (1) Councilmember Jackson.

**ENGINEERING/WATER
11-16-20 VII a**

The following resolution was submitted for approval.

**RESOLUTION TO HOLD A PUBLIC HEARING FOR THE ALLEY AND STREET
VACATIONS FOR HAMILTON CORRIDOR PROJECT AS REQUESTED BY THE
ENGINEERING DEPARTMENT**

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

WHEREAS, pursuant to the City Code of Ordinances, it is the responsibility of the City of Highland Park to hold a public hearing; and

WHEREAS, the Highland Park City Council shall receive comments on the recommended street and alley vacations from citizens at a duly advertised public hearing; and

WHEREAS, all comments received from citizens at a duly advertised public hearing will be documented.

NOW, THEREFORE, BE IT RESOLVED, that the City of Highland Park Engineering Department requests a public hearing to be held at the Regular City Council Meeting of December 7th, to receive these comments regarding the street and alley vacations. Yeas (4), Nays (0), Absent (1) Councilmember Jackson.

11-16-20 VII b

The following resolution was submitted for approval.

A RESOLUTION TO ADOPT THE FY2021 WATER DEPARTMENT BUDGET AND RATES AS REQUESTED BY THE WATER DEPARTMENT

Moved by Councilmember Armstrong
Supported by Councilmember Bates

WHEREAS, pursuant to chapter 1040.17 and 1042.01 of the City Code of Ordinances, it is the responsibility of the City of Highland Park to establish water and sewer rates; and

WHEREAS, the Highland Park received a letter dated April 28, 2020 from the Great Lakes Water Authority (GLWA) regarding deferred implementation - Great Lakes Water Authority FY 2021 Wholesale Water Schedule of Charges; and

WHEREAS, the City of Highland Park Water Department requests the FY20 rates be authorized to continue to be in effect until January 1, 2021; and

WHEREAS, the City Council has received and reviewed the Water Department Director's recommended water and sewer rates for FY2021; and

WHEREAS, the Highland Park City Council shall and has received comments on the recommended water and sewer rates from citizens at a duly advertised public hearing; and

WHEREAS, it is the intent of the Water Department Director that rates shall adhere to the proposed budget funds for FY2021; and

BE IT RESOLVED, all comments received from citizens at the duly advertised public hearing, are documented; and

RESOLVED FURTHER, after documentation of all comments received from citizens, that the Water Department is authorized to take all necessary actions to give this resolution effect this 16th day of November 2020. Yeas (4), Nays (0), Absent (1) Councilmember Jackson.

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11-16-20 VII c

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

To receive and file the Vacation Public Rights-of-Way Guidebook. Yeas (4), Nays (0), Absent (1) Councilmember Jackson.

**PUBLIC WORKS
11-16-20 VIII**

The following resolution was submitted for approval.

**RESOLUTION TO PAY ALTA EQUIPMENT COMPANY FOR DAMAGE AND SERVICE
TO A RENTAL LOADER**

Moved by Councilmember Bates
Supported by Council Pro Tem Patrick

WHEREAS, in late 2017 Highland Park DPW rented a loader to perform cleanup of all alleys throughout the City; and

WHEREAS, the contractors removed the overhead vegetation in the alleyways to assist Wade Trim and MCA to service right-of-way infrastructure; and

WHEREAS, DPW incurred considerable damage to the equipment in assisting Wade Trim and MCA with this City-wide project; and

WHEREAS, the use of this equipment and the damages incurred resulted in no power outages in our City due to trees taking power lines out over the last three years; and

WHEREAS, two additional invoices represent service to the loader which is a vital piece of equipment DPW continues to use on a daily basis; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City approves the payment of \$17,692.69 to Alta Equipment Company for damages and service to a rental loader. Yeas (4), Nays (0), Absent (1) Councilmember Jackson.

**TREASURER
11-16-20 IX**

The following resolution was submitted for approval.

**RESOLUTION TO USE MIDEAL AUCTION SERVICES TO SELL CITY-OWNED
PROPERTIES**

Moved by Councilmember Bates
Supported by Council Pro Tem Patrick

WHEREAS, Section 3-3 of the City Charter provides for the sale of City-owned properties; and Section 3-6 of the City Charter states, "Quarterly, the City shall auction residential homes the City has come to own," and

WHEREAS, the City of Highland Park holds in its inventory a surplus of City-owned properties that are not producing a taxable, habitable and general benefit to the City and its residents; and

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

WHEREAS, the State of Michigan Department of Management of Budget, through MiDeal, offers contracts for both live and on-line auctions; and

WHEREAS, Highland Park has realized significant savings on police vehicles, gas, office supplies and road salt as a member of MiDeal; and

WHEREAS, the City desires to utilize the MiDeal auction services to sell City-owned properties; and

WHEREAS, there is no cost to Highland Park because a commission of 2% (online auction) or 5% (live auction) is charged to the buyer as an administrative fee, which is then paid to the auction company for their services; and

NOW, THEREFORE, BE IT RESOLVED, that the City approves the use of MiDeal auction services to sell City-owned properties. Yeas (5), Nays (0), Absent (0).

COUNCIL AFFAIRS
11-16-20 X

The following resolution was submitted for approval.

**RESOLUTION AUTHORIZING HOWARD & HOWARD ATTORNEYS PLLC TO FILE
A WRITTEN MOTION TO INTERVENE AND FOR AN EXTENSION OF TIME TO
FILE A RESPONSIVE PLEADING, IN THE ACTION ENTITLED
KHURSHEED ASH-SAFII VS. CITY OF HIGHLAND PARK, CASE NO. 20-013945-CZ
(WAYNW COUNTY CIRCUIT COURT, HON. ANETTE J. BERRY)**

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

WHEREAS, on October 27, 2020, Stephen Dunn and the law firm of Howard & Howard Attorneys PLLC were authorized by Council Resolution to proceed to defend the City of Highland Park in the above-entitled lawsuit brought by Khursheed Ash-Safaii, regarding the City's *Ordinance to Authorize and Regulate The Establishment Of Medical Marijuana Facilities And Adult Use Marijuana Facilities*,

WHEREAS, the deadline for the City to file responsive pleadings in the above-entitled lawsuit was today, November 16, 2020,

WHEREAS, following Council's October 27, 2020 Resolution authorizing Stephen Dunn and the law firm of Howard & Howard Attorneys PLLC to proceed to defend the City of Highland Park in the above-entitled lawsuit, the Mayor vetoed Council's resolution;

WHEREAS, on November 16, 2020, Council authorized Howard & Howard Attorneys PLLC to file a written motion to intervene and for an extension of time to file a responsive pleading in the above-entitled lawsuit, and

WHEREAS, as a result of the Mayor's Veto of Council's October 27, 2020 Resolution and the need to wait for today's November 16, 2020 meeting to presumably override the Mayor's Veto, it was believed to be prudent to act today,

NOW, THEREFORE BE IT RESOLVED, consistent with the aforementioned, Howard & Howard Attorneys PLLC was and is specifically authorized to file a written motion to intervene and for an extension of time to file a responsive pleading, today, November 16, 2020, in the action entitled *Kursheed Ash-Safii vs. City of Highland Park*, Case No. 20-013945-CZ (Wayne County Circuit Court, Hon. Anette J. Berry). Yeas (4), Nays (0) Absent (1) Councilmember Jackson.

ADJOURNMENT

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

To adjourn the meeting, motion carried, meeting adjourned at 8:28 p.m.

CERTIFICATE

I hereby certify that the attached is a copy of the minutes of the Virtual Regular Meeting held the 16th day of November 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