

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

SEPTEMBER 4, 2018

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

Present: Council Pro Tem McDonald, Councilmember Woodard, Councilmember Lewis,
Councilmember Marshall and Council President Patrick (5).

Absent: (0).

A quorum being present, Council was declared in session.

APPROVAL OF AGENDA

Moved by Councilmember Lewis
Supported by Councilmember Marshall

To approve the agenda with the removal of items VI & Xb. Yeas (5), Nays (0), Absent (0).

APPROVAL OF MINUTES

Moved by Councilmember Lewis
Supported by Councilmember Marshall

To approve the minutes of the regular meetings held July 2, 2018 and August 6, 2018. Yeas (5), Nays (0), Absent (0).

**PUBLIC HEARING
09-04-18 V**

The Clerk stated this was the place and time to hear comments from the public regarding the Fiscal Year 2019 City Engineering Department schedule of fees.

Moved by Councilmember Woodard
Supported by Councilmember Lewis

To open the Public Hearing. Yeas (5), Nays (0), Absent (0). The Public Hearing was opened at 7:09 p.m.

There were no questions or comments.

Moved by Council Pro Tem McDonald
Supported by Councilmember Marshall

To close the Public Hearing regarding the Fiscal Year 2019 City Engineering Department schedule of fees. Yeas (5), Nays (0), Absent (0). The Public Hearing was closed at 7:09 p.m.

VETO
09-04-18 VI

The following communication was received from Mayor Yopp.

On August 20, 2018, the Highland Park City Council passed a Resolution that purported to terminate the contract of Terry Ford with the Ford Law Firm. The Council is hereby on notice that, pursuant to Highland Park Charter Section 6-3, I am Vetoing that action and thereby suspending the operation of that Resolution. This use of the Mayoral Veto is because Section 7-1 of the Charter exclusively vests the administrative and executive powers of the City with the Mayor. These Mayoral powers include, as set forth in the Charter Sections 7-2 and 7-5, the appointment and suspension of the City Attorney. Therefore, the City Council's attempt to terminate Terry Ford's contract amounts to an attempt to suspend the City Attorney and is therefore in violation of the City Charter.

According to one Michigan case, "The power of appointment to a public office, if plenary, is, in its exercise, an executive function. When the power is plenary and is exercised and the appointee accepts, by qualifying, the office is filled, and, until there is a vacancy, no other appointment can be made" and "the exercise of the power of appointment to office is a purely executive act, and when the authority conferred has been exercised, it is final, for the term of the appointee."

The word plenary, as it is quoted in this case and as it relates to this issue at bar, speaks to the Mayor's complete and absolute authority to appoint whom he will to the office of City Attorney. The appointment of the city attorney is a plenary power of the Mayor.

Moved by Councilmember Lewis

Override failed for lack of support

CITY ADMINISTRATOR
09-04-18 VII a

The following resolution was submitted for approval.

RESOLUTION TO EXTEND CONTRACT FOR ROBERT G. BURGESS dba INVENTORY SOLUTIONS

Moved by Council Pro Tem McDonald

Supported by Councilmember Marshall

WHEREAS, the City entered into a contract with Robert G. Burgess, dba Inventory Solutions; and

WHEREAS, the City wishes to extend that contract from September 2018 through September 2019 at a rate of \$50 an hour to include, but not be limited to the following:

Scope of Services Contractor agrees to provide the following services to the City:

- Provide assistance to all Directors and the City Council in an effort to reduce costs and align them with revenues;
- Act as the City's purchasing representative for all competitive bid contracts;
- Assist in revising the City's purchasing ordinance;
- Work with the City to set up auctions;
- Assist City in selling surplus property;
- Assist with writing grants; and
- Perform special projects as needed.

Location of Services and Accommodations

- Contractor may perform services inside or outside City offices.
- Contractor shall be allowed to use the City's employee parking lot.
- Contractor shall be provided with an email address to be used by Contractor for City business only; and

BE IT RESOLVED by The City Council of the City of Highland Park that the contract for Robert G. Burgess dba Inventory Solutions be extended from September 2018 thru September 2019 at a rate of \$50 an hour. Yeas (5), Nays (0), Absent (0).

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09-04-18 VII b

The following resolution was submitted for approval.

RESOLUTION TO RESCIND EMERGENCY MANAGER DIRECTIVE #021 PURCHASE OF LAND, POLICY & PROCEDURES, SINGLE RESIDENTIAL LOTS

Moved by Councilmember Lewis
Supported by Council Pro Tem McDonald

WHEREAS, Arthur Blackwell, Emergency Financial Manager, under Public Act 72 of 1990, issued Directive #021 on February 14, 2006, which established policy and procedures relative to the purchase and use of single residential lots; and

WHEREAS, the Charter for the City of Highland Park provides that the City Council has the authority to enact all ordinances they deem necessary for the safety, order, and good government of the City and the general welfare of its inhabitants; and

WHEREAS, in an effort to enhance the financial welfare of the City of Highland Park, the City Council of Highland Park has written new detailed procedures for the transfer and management of vacant lots and real property assets; and

WHEREAS, the City of Highland Park desires to rescind Emergency Manager Directive #021 by adopting policies and procedures for the sale of vacant lots; and

BE IT RESOLVED by the Highland Park City Council to rescind the Arthur Blackwell, Emergency Financial Manager, under Public Act 72 of 1990, Directive #021 issued on February 14, 2006, which established policy and procedures relative to the purchase and use of single residential lots.

After discussion regarding the need for legislation on the sale of city owned property, Council Pro Tem McDonald withdrew her support and Councilmember Lewis withdrew her motion.

Item failed, no action taken

**CITY CLERK
09-04-18 VIII a**

A new business license application was submitted for approval for Mr. C's Chicken, Shrimp & Fish located at 12220 Hamilton Avenue.

Moved by Councilmember Lewis
Supported by Councilmember Marshall

To approve the new business license application for Mr. C's Chicken, Shrimp & Fish located at 12220 Hamilton Avenue. Yeas (5), Nays (0), Absent (0).

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09-04-18 VIII b

A new business license application was submitted for approval for Midland Onnes located at 333 Midland St.

Moved by Council Pro Tem McDonald
Supported by Councilmember Marshall

To approve the new business license application for Midland Onnes located at 333 Midland St. Yeas (5), Nays (0), Absent (0).

09-04-18 VIII c

A new business license application was submitted for approval for Chick ‘N Dip ‘N located at 14361 Woodward Avenue.

Moved by Council Pro Tem McDonald
Supported by Councilmember Woodard

To approve the new business license application for Chick ‘N Dip ‘N located at 14361 Woodward Avenue. Yeas (5), Nays (0), Absent (0).

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09-04-18 VIII d

A new business license application was submitted for approval for Cakes and Shakes located at 13806 Woodward Avenue.

Moved by Councilmember Lewis
Supported by Councilmember Woodard

To approve the new business license application for Cakes and Shakes located at 13806 Woodward Avenue. Yeas (5), Nays (0), Absent (0).

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09-04-18 VIII e

A new business license application was submitted for approval for Lanette’s located at 13548 Woodward Avenue.

Moved by Council Pro Tem McDonald
Supported by Councilmember Lewis

To approve the new business license application for Lanette’s located at 13548 Woodward Ave. Yeas (5), Nays (0), Absent (0).

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09-04-18 VIII f

A new business license application was submitted for approval for Woodward Avenue Bar & Grille located at 12000 Woodward Avenue, and recommendation for a Class C Liquor License.

Moved by Council Pro Tem McDonald
Supported by Councilmember Marshall

To approve the new business license application for Woodward Avenue Bar & Grille located at 12000 Woodward Avenue and recommendation for a Class C Liquor License. Yeas (5), Nays (0), Absent (0).

**COMMUNITY DEVELOPMENT
09-04-18 IX**

The following resolution was submitted for approval.

**RESOLUTION TO APPROVE THE OPENING OF THE NEIGHBORHOOD
STABILIZATION PROGRAM (“NSP”) REQUEST FOR PROPOSALS (RFP) FOR
SINGLE FAMILY DEVELOPMENT/REPAIR BIDS AT THE CITY COUNCIL
MEETING ON SEPTEMBER 4, 2018**

Moved by Council Pro Tem McDonald

Supported by Councilmember Lewis

WHEREAS, The NSP RFP for Single-Family Development/Repair was advertised in the Michigan Chronicle for qualified bidders;

WHEREAS, the bids for NSP RFP for Single-Family Development/ Repair was due to the City Clerk’s Office on August 27, 2018;

WHEREAS, the bids are required to be opened at City Council meetings by the City Clerk, and the next meeting is September 4, 2018

NOW THEREFORE BE IT RESOLVED, that the Highland Park City Council approves the opening of bids for the Neighborhood Stabilization Program Request for Proposals for Single Family Development/Repair at the City Council meeting on September 4, 2018. Yeas (5), Nays (0), Absent (0).

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BID OPENING

The Clerk stated this was the place and time to open bids received for Neighborhood Stabilization Program Single Family Development/Repair.

1 (one) bid was received: Home Team
3031 W. Grand Blvd.
Detroit, MI 48202
Total Project Cost: \$117,616.25

Moved by Councilmember Lewis

Supported by Council Pro Tem McDonald

To refer to Community and Economic Development Department for a recommendation.
Yeas (5), Nays (0), Absent (0).

FINANCE
09-04-18 X

The following resolution was submitted for approval.

**RESOLUTION TO AMEND THE ENGAGEMENT OF MILLER CANFIELD AS
BOND COUNSEL FOR THE CITY OF HIGHLAND PARK**

Moved by Councilmember Lewis
Supported by Councilmember Woodard

WHEREAS, on March 5, the City Council (the "Council") of the City of Highland Park, County of Wayne, State of Michigan (the "City") approved a *Resolution to Authorize the Engagement of Miller Canfield as Bond Counsel for the City of Highland Park*; and

WHEREAS, the original engagement was to serve as bond counsel in relation to the issuance by the City of its 2018 Capital Improvement Bonds (Limited Tax General Obligation) in an amount not to exceed \$4,080,000, and contemplated a basic structure through the State of Michigan (the "State") Drinking Water Revolving Fund; and

WHEREAS, since the original engagement was approved, the scope of the engagement by Miller Canfield increased substantially as follows: first, the amount of the bond size increased from \$4,080,000 to \$6,000,000, which required two resolutions to amend the previously authorized Notice of Intent Resolution and Bond Authorizing Resolution; and second, the State of Michigan agreed to subordinate its interest to the pledge of the city's revenue sharing as security for the City's Emergency Loan Note (General Obligation Limited Tax) 2002-03 Series I (the "2003 Note"); Emergency Loan Note (General Obligation Limited Tax) 2005-06 Series I (the "2006 Note"); Emergency Loan Note (General Obligation Limited Tax) 2007-08 Series I (the "2008 Note"); Emergency Loan Note (General Obligation Limited Tax) 2013-14 Series I, which required the drafting and negotiation of an Amended and Restated Debt Retirement Trust Agreement to restructure the payment priority of the City's revenue sharing for the City's prior debt.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Highland Park City Council hereby approves the amendment to the engagement of Miller Canfield to represent the City of Highland Park as its bond counsel to effectuate the foregoing transactions on the City's behalf. The appropriate officers of the City are hereby authorized to pay the fees of Miller Canfield in the amount of \$50,000.00. Yeas (5), Nays (0), Absent (0).

PUBLIC WORKS
09-04-18 XI a

The following resolution was submitted for approval.

**RESOLUTION FOR ADDENDUM TO CONTRACT FOR WOODWARD AVENUE (MI)
SIDEWALK REMOVAL AND REPLACEMENT SERVICES**

Moved by Councilmember Lewis
Supported by Councilmember Woodard

WHEREAS, Highland Park City Council authorized DPW to enter into a contract with Hayes Land Corporation to remove and replace 391 sidewalk flags for a total cost of \$156,400, to be funded by Public Act 51 funds; and

WHEREAS, the contract was completed and funds were distributed on July 27, 2018; and

WHEREAS, said contract for removal and replacement of 391 flags on the west side of Woodward (MI) extended from McNichols to Sears Street (Phase One); and

WHEREAS, using the experience gathered from phase one, including MDOT demands for pedestrian safety, the interlocking nature of the sidewalks flags and the costs associated with the project, DPW now wishes to extend the project from Sears Street to Tuxedo Street on the west side of Woodward (Phase Two); and

WHEREAS, the sidewalks on the east side of Woodward will be evaluated at a later date based on the availability of Act 51 funds in 2019; and

WHEREAS, Phase Two (Sears to Tuxedo on the west side of Woodward) requires the removal and replacement of 695 flags, plus ADA ramps, for a total cost of \$315,000; and

BE IT RESOLVED by Highland Park City Council that DPW be allowed to add this addendum to the contract with Hayes Land Corporation to remove and replace an additional 695 flags, plus ADA ramps, at a price of \$315,000, which will be funded by Public Act 51 funds. Yeas (5), Nays (0), Absent (0).

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09-04-18 XI b

The following resolution was submitted for approval.

**RESOLUTION TO APPROVE THE SUBMISSION OF ALLIED SERVICE AND GREAT LAKES
POWER TO THE LIST OF SERVICE/REPAIR CONTRACTORS FOR DHHS BUILDING
LOCATED AT 13233 HAMILTON AVENUE, HIGHLAND PARK, MICHIGAN**

Moved by Council Pro Tem McDonald
Supported by Councilmember Woodard

WHEREAS, the Sublease and Addendum #1 to the Sublease between the City of Highland Park ("Lessor") and the Department of Technology, Management & Budget ("Lessee") for 13233 Hamilton Avenue, Highland Park, Michigan being used by the Department of Health and Human Services ("DHHS"), provides the following on Notification and Lessor Obligations; and

WHEREAS, the Lessor Obligations specifies that the City provide, "A listing of all important services or repair contractors for emergency service or maintenance"; and

WHEREAS, the City Council approved a resolution on July 16, 2018 that DPW be allowed to solicit Requests for Quotes (RFQ) for maintenance and service providers to fulfill this obligation; and

WHEREAS, there were two responses to the RFQ which were opened at the August 16, 2018 City Council meeting from Allied Services and Great Lakes Power; and

BE IT RESOLVED by The City Council of the City of Highland Park that DPW be allowed to submit the names of Allied Services for HVAC, electrical, plumbing, exterior building maintenance and parking lot maintenance and Great Lakes Power for HVAC to the list of service or repair contractors for emergency service or maintenance for 13233 Hamilton Avenue, Highland Park, Michigan. Yeas (5), Nays (0), Absent (0).

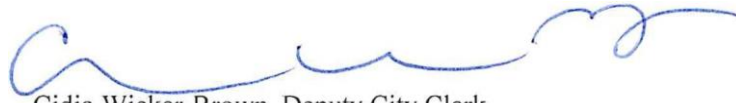
ADJOURNMENT

Moved by Councilmember Marshall
Supported by Councilmember Lewis

To adjourn the meeting, motion carried, meeting adjourned at 8:06 p.m.

CERTIFICATE

I, hereby certify that the attached is a copy of the proposed minutes of the Regular Meeting held the 4th day of September, 2018 and that said proposed minutes are available for public inspection at the address designated on the posted public notice.



Cidia Wicker-Brown, Deputy City Clerk