

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

**JANUARY 22, 2019**

Council convened at 7:00 p.m. with Council President Patrick presiding.

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

Absent: (0).

A quorum being present, Council was declared in session.

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**APPROVAL OF AGENDA**

Moved by Councilmember Lewis  
Supported by Councilmember Woodard

To approve the agenda with the removal of the item from Community Development regarding the sale of side lots. Yeas (5), Nays (0), Absent (0).

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**APPROVAL OF MINUTES**

Moved by Councilmember Lewis  
Supported by Councilmember Woodard

To approve the minutes of the Workshop meeting held January 14, 2019. Yeas (5), Nays (0), Absent (0).

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Moved by Councilmember Woodard  
Supported by Councilmember Lewis

To approve the minutes of the Regular meeting held January 14, 2019. Yeas (5), Nays (0), Absent (0).

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**BID OPENING  
01-22-19 V**

The Clerk stated this was the place and time to open bids received for Towing, Vehicle Storage and Clean-Up Services.

Eleven (11) bids were received.

COMPANY	FEE SCHEDULE					
	TOWING	FUEL	ADMINISTRATIVE	STORAGE	ADDITIONAL LABOR	WINDOW WRAP
Motor City Collision, Inc.	\$125	\$45	\$100	\$15	\$45	\$25
Joey's Towing	\$125	\$0	\$100	\$15	\$95	\$50
L.I.J.B.S. Enterprise, LLC	\$125	\$10	\$100	\$20	\$95	\$35
The New Executive Towing	\$125	\$0	\$100	\$15	\$75	\$25
Troy's Towing	\$115	\$15	\$100	\$15	\$100	\$25
7-D's Towing & Storage, Inc.	\$125	\$10	\$100	\$15	\$25	\$10
Nationwide Recovery, Inc.	\$115	\$0	\$100	\$20 outside \$35 inside	\$50	\$50
Carr's Motor City Towing Service	\$50 hookup \$5 per mile	\$15	\$20	\$25	\$20	\$45
Bobby's TCB Towing Service	\$95	\$0	\$100	\$15	\$25	\$30
Boulevard & Trumbull	\$94	\$0	\$125	\$15	\$50	\$20
B & G Towing, LLC.	\$82.50	\$0	\$125	\$15	\$25	\$15

Moved by Councilmember Woodard  
Supported by Councilmember Bates

To refer the received bids to Legal and the Police Department for a recommendation.  
Yeas (5), Nays (0), Absent (0).

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**VETO**  
**01-22-19 VI**

The following communication was received from Mayor Yopp.

Dear Clerk Green:

On January 14, 2019, the Highland Park City Council passed a Resolution that purported to hire

the Herb Sanders Law Firm for a flat rate of \$7,500.00 for the purpose of appealing the matter of the Highland Park Charter Commission, et. al. vs City of Highland Park, et. al.

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 Charter Sections 7-2 and 7-5, the appointment an attorney to act as the City Attorney, whose representation includes that of City Council. Therefore, the City Council's attempt to hire the Herb Sanders Law Firm for an appeal of this matter is inconsistent with the City Charter. The Council is further on notice that the Michigan Home Rule Cities Act requires the City to pay for expenses incurred by the Charter Commission, which would include attorneys' fees associated with defending this appeal. It is improper to foist these expenses upon our residents.

Moved by Councilmember Lewis  
Supported by Councilmember Woodard

To override the Mayor's veto. Yeas (5), Nays (0), Absent (0).

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**CITY ADMINISTRATOR**  
**01-22-19 VII a**

The following resolution was submitted for approval.

**TO APPROVE THE DEFICIT ELIMINATION PLAN FOR SUBMISSION TO THE  
STATE OF MICHIGAN IN RESPONSE TO THE JANUARY 9 2019 NOTICE OF  
INTENT TO WITHHOLD STATE PAYMENTS AS A RESULT OF THE FISCAL YEAR  
END 2018 \$1,736,810 DEFICIT IN THE WATER AND SEWER FUND**

Moved by Councilmember Lewis  
Supported by Councilmember Bates

WHEREAS, the City's water and sewer fund has an unrestricted deficit of \$1,736,810 at the close of fiscal year 2018, and

WHEREAS, the Michigan Department of Treasury, under Public Act 140 of 1971 (Glenn Steil State Revenue Sharing Act), has submitted notice of intent to withhold state revenue sharing payments as a result of the deficit, and

WHEREAS, the Council directed an operating transfer from the General Fund which will eliminate the deficit in full,

BE IT FINALLY RESOLVED, that the Highland Park City Council hereby approves the Deficit Elimination plan as submitted by City Administrator. Yeas (5), Nays (0), Absent (0).

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**01-22-19 VII b**

The following resolution was submitted for approval.

**TO APPROVE THE RESPONSE TO THE STATE OF MICHIGAN JANUARY 2, 2019  
CORRECTIVE ACTION PLAN REQUEST FOR FISCAL YEAR END 2018**

Moved by Councilmember Lewis  
Supported by Councilmember Woodard

WHEREAS, the Michigan Department of Treasury is requesting a corrective action plan for three areas noted in the 2018 financial statements:

1. Support for the court ordered pension levy
2. Grant management for the Community Development Block Grants
3. Storm water payments for City owned parcels

WHEREAS, the City administers three pension plans - the General Employees' Pension Plan, Public Safety Pension Plan, and Police and Firemen Pension Plan, and

WHEREAS, the City, with its normal operating revenue, was, and is, unable to make the actuarial calculated annual required payments to the pension plans, and

WHEREAS, the City, with its normal operating revenue, was, and is, unable to pay the retirees their monthly pensions, and

WHEREAS, by court order the City levies an ongoing millage to fund the monthly pension payments, and

WHEREAS, the City Council has also committed to an annual appropriation of \$500,000 toward the unfunded pension liability, and

WHEREAS, the City has invested in financial software which has, as a component, the ability to accurately track grant expenditures and revenues, and

WHEREAS, the Finance and Community and Economic Development departments are coordinating a reconciliation of the City's records with the County's grant records and revising the City's financial software to better monitor the grant information, and

WHEREAS, the City Council in 2016 passed a stormwater ordinance requiring all properties to pay a proportionate share of the storm water processing costs, and

WHEREAS, the Water Department recently completed an audit of all property in the city and assigned a proportionate valuation of storm water drainage to each property, and

WHEREAS, the Water Department has completed its process of adding all city properties into the billing database,

WHEREAS, the Water Department will negotiate for payment of all outstanding balances with certain industrial, commercial and government land owners and will have all landowners on a regular billing cycle by June 30, 2019,

BEIT FINALLY RESOLVED, that the Highland Park City Council hereby approves submission of the corrective action plan as submitted by the City Administrator. Yeas (5), Nays (0), Absent (0).

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**01-22-19 VII c**

The following resolution was submitted for approval.

**TO APPROPRIATE \$1.75 MILLION DOLLAR OPERATING TRANSFER FROM THE GENERAL FUND TO THE WATER AND SEWER FUND TO ELIMINATE THE FISCAL YEAR 2018 DEFICIT IN THE WATER AND SEWER FUND**

Moved by Councilmember Lewis  
Supported by Councilmember Bates

WHEREAS, the City's water and sewer fund has an unrestricted deficit of \$1,736,810 at the close of fiscal year 2018, and

WHEREAS, the deficit is a result of many years of accumulated operating losses, and

WHEREAS, the Water Department has made significant improvements in aligning the operating revenue with the operating expenses, and

WHEREAS, the Glenn Steil State Revenue Sharing Act of 1971 states that units of local government shall formulate a deficit elimination plan if the fiscal year ends with a deficit, and

WHEREAS, the City Council and City Administration have labored diligently to increase the City's financial position, and

WHEREAS, the City Council is desirous of placing the water and sewer fund in a strong

position as it moves toward a sustainable operating environment, and

BE IT FINALLY RESOLVED, that the Highland Park City Council hereby:

1. Appropriates \$1,750,000 from the General Fund unassigned fund balance and transfers it to the Water and Sewer Fund.
2. Directs the City Finance Director to complete the transfer by January 31, 2019.

Yeas (5), Nays (0), Absent (0).

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**ENGINEERING  
01-22-19 VIII a**

The following resolution was submitted for approval.

**A RESOLUTION TO ACCEPT WAYNE COUNTY ANNUAL MAINTENANCE  
PERMIT A-19058 AS REQUESTED BY THE CITY ENGINEERING DEPARTMENT**

Moved by Council Pro Tem McDonald  
Supported by Councilmember Lewis

WHEREAS, City of Highland Park (hereinafter the “Community”) periodically applies to the County of Wayne Department of Public Services, Engineering Division Permit Office (hereinafter the “County”) for permits to conduct emergency repairs, annual maintenance work, and for other purposes on local and county road located entirely within the boundaries of the Community, as needed from time to time to maintain the roads in a condition reasonably safe and convenient for public travel;

WHEREAS, pursuant to Act 51 of 1951, being MCL 247.651 et seq., the County permits and regulates such activities noted above and related to temporary road closures;

BE IT RESOLVED, in consideration of the County granting such permit (hereinafter the “Permit”), the Community agrees and resolves that:

Any work performed for the Community by a contractor or subcontractor will be solely as a contractor for the Community and not as a contractor or agent of the County. Any claims by any contractor or subcontractor will be the sole responsibility of the Community. The County shall not be subject to any obligations or liabilities by vendors and contractors of the Community, or their subcontractors.

The Community shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the Permit which results in claims being asserted against or judgment being imposed against the County, and all officers, agents and employees thereof pursuant to a maintenance contract. In the event that same occurs,

for the purposes of the Permit, it will be considered a breach of the permit thereby giving the County a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgement for money damages.

With respect to any activities authorized by Permit, when the Community requires insurance on its own or its contractor's behalf, it shall also require that such policy include as named insured the County of Wayne and all officers, agents and employees thereof.

The incorporation by the County of this Resolution as part of a permit does not prevent the County from requiring additional performance security or insurance before issuance of a Permit.

This Resolution stipulates that the requesting Community shall, at no expense to Wayne County, provide necessary police supervision, establish detours and post all necessary signs and other traffic control devices in accordance with the Michigan Manual of Uniform Traffic Control Devices.

This Resolution shall continue in force from the date of execution until cancelled by the Community or the County with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the Community with regard to any Permit which has already been issued or activity which has already been undertaken.

The Community stipulates that it agrees to the terms of the County of Wayne permit at the time of permit is signed by the Community's authorized representative.

RESOLVED FURTHER, that the following individual is authorized in their official capacity as the Community's authorized representative to sign and so bind the Community to the provisions of any and all permits applied for to the County of Wayne, Department of Public Services Engineering Division Permit Office for necessary permits from time to time to work within County road right-of-way or local roads on behalf of the Community.

Name:  
Damon L. Garrett, PE

Title:  
City Engineer

Yeas (5), Nays (0), Absent (0).

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**01-22-19 VIII b**

The following resolution was submitted for approval.

**A RESOLUTION TO ACCEPT WAYNE COUNTY ANNUAL PAVEMENT RESTORATION PERMIT A-19113 AS REQUESTED BY THE CITY ENGINEERING DEPARTMENT**

Moved by Councilmember Lewis  
Supported by Council Pro Tem McDonald

WHEREAS, City of Highland Park (hereinafter the “Community”) periodically applies to the County of Wayne Department of Public Services, Engineering Division Permit Office (hereinafter the “County”) for permits to conduct emergency repairs, annual maintenance work, and for other purposes on local and County road located entirely within the boundaries of the Community, as needed from time to time to maintain the roads in a condition reasonably safe and convenient for public travel;

WHEREAS, pursuant to Act 51 of 1951, being MCL 247.651 et seq., the County permits and regulates such activities noted above and related to temporary road closures;

BE IT RESOLVED, in consideration of the County granting such permit (hereinafter the “Permit”), the Community agrees and resolves that:

Any work performed for the Community by a contractor or subcontractor will be solely as a contractor for the Community and not as a contractor or agent of the County. Any claims by any contractor or subcontractor will be the sole responsibility of the Community. The County shall not be subject to any obligations or liabilities by vendors and contractors of the Community, or their subcontractors.

The Community shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the Permit which results in claims being asserted against or judgment being imposed against the County, and all officers, agents and employees thereof pursuant to a maintenance contract. In the event that same occurs, for the purposes of the Permit, it will be considered a breach of the permit thereby giving the County a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgement for money damages.

With respect to any activities authorized by Permit, when the Community requires insurance on its own or its contractor’s behalf, it shall also require that such policy include as named insured the County of Wayne and all officers, agents and employees thereof.

The incorporation by the County of this Resolution as part of a permit does not prevent the County from requiring additional performance security or insurance before issuance of a Permit.

This Resolution stipulates that the requesting Community shall, at no expense to Wayne County, provide necessary police supervision, establish detours and post all necessary signs and other traffic control devices in accordance with the Michigan Manual of Uniform Traffic Control Devices.

This Resolution shall continue in force from the date of execution until cancelled by the Community or the County with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the Community with regard to any Permit which has already been issues or activity which has already been undertaken.

The Community stipulates that it agrees to the terms of the County of Wayne permit at the time of permit is signed by the Community’s authorized representative.



RESOLVED FURTHER, that the following individual is authorized in their official capacity as the Community's authorized representative to sign and so bind the Community to the provisions of any and all permits applied for to the County of Wayne, Department of Public Services Engineering Division Permit Office for necessary permits from time to time to work within County road right-of-way or local roads on behalf of the Community.

Name:  
Damon L. Garrett, PE

Title:  
City Engineer

Yeas (5), Nays (0), Absent (0).

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## **WATER 01-22-19 IX**

The following resolution was submitted for approval.

### **A RESOLUTION AUTHORIZING THE INITIATION OF BREACH OF CONTRACT PROCEEDINGS AGAINST WADE TRIM OPERATIONS SERVICES, INCORPORATED FOR FAILURE TO COMPLY WITH THE TERMS OF THE OPERATIONS, MAINTENANCE, AND MANAGEMENT OF THE WATER AND WASTEWATER SYSTEM FOR HIGHLAND PARK, MICHIGAN CONTRACT**

Moved by Councilmember Woodard  
Supported by Councilmember Bates

WHEREAS the City of Highland Park City Council approved entering into a contractual agreement with Wade Trim Operations Services on 6-29-2015; and

WHEREAS, Wade Trim Operations Services has violated several sections of the contract including

- **Section 1.1.1.d.i:** Hydrant flushing (not completed during the first year of contract);
- **Section 1.1.1.d.ii:** Valve exercising (other than emergency repair work, not completed during first two years of contract);
- **Section 1.1.1.d.iii:** Hydrant repair;
- **Section 1.1.1.d.iv:** Sewer maintenance, inspections, cleaning, and CCTV;
- **Section 1.1.1.d.v:** Manhole inspections and repair;
- **Section 1.1.1.d.vii:** Detailed plan of action for reducing water loss;
- **Section 1.1.1.f.i:** Computer based system for maintenance management;
- **Section 1.1.1.f.vi:** Computer based system for inventory control and management;
- **Section 1.1.1.g:** Continually and actively pursuing additional improvement in providing customer service;
- **Section 1.1.2:** Capital Improvements Planning Assistance;

- **Section 1.1.3:** Technical Assistance; (resisted changed in software solutions, failed to fully utilize data or software);
- **Section 1.2:** Meter reading, customer billing and collections;
- **Section 1.3:** Modernize ordinances and continue ongoing recommendations as needed;
- **Section 2.14.a:** Communication and Collaboration;
- **Section 8.1:** Additional staffing, as needed, to fulfill the duties of the Water Department;

; and

WHEREAS, Wade Trim Operations Services Department has continually failed to provide full-time, licensed, experienced, or adequate staff to fulfill the contractual obligations or daily operations of the customer service center. On multiple occasions, the following operations or requirements were not fulfilled

- **Section 1.1.1.d.vii:** Wade Trim failed to provide adequate field staff to ensure timely discontinuation of water service to designated properties monthly, establish a regular inspection program to ensure water theft was minimized or eliminated and ensure regular maintenance activity was completed by contract or American Water Works Association (AWWA) standards.
- **Section 6.3:** Wade Trim Operations Services, Incorporated located at 500 Griswold Avenue, Suite 2500, Detroit, Michigan 48226 was the original contract holder performing Operations, Maintenance, and Management of the Water and Wastewater System for Highland Park, Michigan. Wade Trim Operations Services, Inc. was changed to Operations Services, 15460 Townhouse Road, P.O. Box 487, Newark, Illinois 60541. This is a violation of *Section 6.3* which does not allow the contractor to sell, assign, or otherwise transfer its rights under this Agreement without the City's prior written consent;
- **Section 8.1:** Wade Trim did not employ two full-time customer billing clerks at the customer service center until the Summer of 2017;
- **Section 8.4:** Wade Trim did not fulfill the contractual obligation of having a full-time S-2 Certified Operator on-site until the Spring of 2018. In addition, the Certified Operator on site was often shared between other Wade Trim projects. It is estimated the Certified Operator designated in the City of Highland Park was operating in another capacity for another Wade Trim projects;

; and

WHEREAS, Per *Section 5.3 Termination for Breach Cure*, upon written notice Wade Trim has sixty (60) days to cure all items as identified in the letter issued to Wade Trim Operations Services on December 21, 2018 by the Water Department Director and copied to the Administration and City Council; and

BE IT RESOLVED, that the City of Highland Park City council approves the initiation of breach of contract proceedings against Wade Trim Operations Services, Incorporated for failure to comply with the terms of the Operations, Maintenance, and Management of the Water and Wastewater System for Highland Park, Michigan contract. Yeas (5), Nays (0), Absent (0).

**OUTSIDE COMMUNICATION**  
**01-22-19 X**

The following communication was received from Wayne Metropolitan Community Action Agency.

**Community Action Alliance Water Assistance Program**

Community Action Alliance will deliver water assistance through our Empowerment Pathway Model—a custom designed service plan to help residential customers in Highland Park gain access to bill assistance, water conservation measures, and navigate resources and WRAP-around supports on a pathway toward self-sufficiency.

Household Income eligibility for the water assistance is 125% of poverty:


Household Members	Household Income	Household Members	Household Income
1	\$15,175	5	\$36,775
2	\$20,575	6	\$42,175
3	\$25,975	7	\$47,575
4	\$31,375	8	\$52,975



To apply for assistance, please call  
**313.388.9799**  
 or visit  
[www.waynemetro.org](http://www.waynemetro.org)



City of Highland Park  
**Water Assistance Program**



\*Income restrictions and eligibility requirements apply.

**Program Benefits:**

- One-time assistance of up to \$500 per household.
- Supportive WRAP-Around Services

**Participant Qualifications:**

- ✓ Have income at or below 125% of poverty threshold
- ✓ Provide proof of residency & income
- ✓ Provide renter's proof of responsibility for water on lease
- ✓ Attend a water conservation workshop

**Call 313.388.9799**  
 or visit [www.waynemetro.org](http://www.waynemetro.org)



Moved by Councilmember Woodard  
 Supported by Councilmember Lewis

To receive and file the above communication from Wayne Metropolitan Community Action Agency. Yeas (5), Nays (0), Absent (0).

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Moved by Councilmember Woodard  
 Supported by Councilmember Lewis

To hold the 2<sup>nd</sup> Citizen's Participation before going into Closed Session. Yeas (5), Nays (0), Absent (0).

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**CITY COUNCIL AFFAIRS**

Moved by Councilmember Lewis  
Supported by Council Pro Tem McDonald

To recess into Closed Session. Yeas (5), Nays (0), Absent (0). Recessed into Closed Session at 8:34pm.

Moved by Council Pro Tem McDonald  
Supported by Councilmember Lewis

To reconvene regular meeting. Yeas (5), Nays (0), Absent (0). Regular meeting reconvened at 10:08 pm.

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## **ADJOURNMENT**

Moved by Councilmember Lewis  
Supported by Council Pro Tem McDonald

To adjourn the meeting, motion carried, meeting adjourned at 10:09 p.m.

**CERTIFICATE**

I, hereby certify that the attached is a copy of the proposed minutes of the Regular Meeting held the 22<sup>nd</sup> day of January, 2019 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