

**MINUTES OF THE  
VIRTUAL REGULAR MEETING OF THE HIGHLAND PARK CITY COUNCIL  
OCTOBER 19, 2020**

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

Present: Council Pro Tem Patrick remotely from Highland Park, MI; Councilmember Jackson; Councilmember Bates remotely from Highland Park, MI; Councilmember Armstrong remotely from Highland Park, MI and Council President Clyburn remotely from Highland Park, MI (5).

Absent: (0).

A quorum being present, Council was declared in session.

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**APPROVAL OF AGENDA**

Moved by Council Pro Tem Patrick  
Supported by Councilmember Armstrong

To approve the agenda. Yeas (5), Nays (0), Absent (0).

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**APPROVAL OF MINUTES**

Moved by Council Pro Tem Patrick  
Supported by Councilmember Armstrong

To approve the minutes of the Virtual Workshop meeting held October 5, 2020. Yeas (5), Nays (0), Absent (0).

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Moved by Councilmember Armstrong  
Supported by Councilmember Bates

To approve the minutes of the Virtual Regular meeting held October 5, 2020. Yeas (5), Nays (0), Absent (0).

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**VETO**

## 10-19-20 IV

The following communication was received from Mayor Yopp.

Pursuant to Section 6-3 of the City Charter, Veto of Council Action, the purpose of this letter is to veto and therefore suspend the operation of Council's vote on October 5, 2020, wherein Council voted to adopt an Ordinance to Authorize and Regulate the Establishment of Medical Marijuana Facilities and Adult Use Marijuana Facilities (the "Ordinance"). My reasons for vetoing Council's action are set forth below:

1. It does not appear that the Ordinance has any setback to schools or churches, allowing a facility to be located within 500 feet of a school or childcare organization, and allowing a variance with neighborhood support and approval. This means that someone could open a facility next to a church or school.
2. Council did not submit the Ordinance to the Legal Department for its review before voting to adopt it. Council is therefore in violation of section 7-5a(6) of the City Charter, which states:
  - a. The administrative head of the Department of Law shall be the City Attorney. He shall be appointed by the Mayor. The duties of the Department shall include, but shall not be limited to, the following:
    - (6) Prepare or *review all ordinances*, contracts, bonds, and other written instruments which are submitted by the City Council or by the officers and boards in matters of legal nature relating to the affairs of the City. (Emphasis added.)
3. The Ordinance was not presented to the CED Department to get its input as to how the Ordinance's operation would impact community and economic development.
4. Prior to submission for a vote, the Ordinance lacked sufficient input from the Administration as to the legal and practical results from enacting this Ordinance. The Ordinance was not presented to the Police Department to determine law enforcement needs, including scout cars with in-dash cameras needed for resident safety and hiring additional police officers.
5. The Planning Commission has not had any discussions regarding marijuana zoning or facilities, and has only had one meeting since February due to the Covid-19 pandemic.
6. The Ordinance illegally assigns duties to offices not set forth in the most recent City Charter while, again, infringing on authority reserved to the Administration. There are duties in this Ordinance that have been assigned to

Council that Administration, and not Council, should perform. The process therefore infringes on Administration's authority.

I am hereby exercising my authority, pursuant to Charter Section 6-3, to veto the ordinance adopted by Council on October 5, 2020 regarding legalization of marihuana facilities and set forth as Agenda Item Number VI(C). This is consistent with my responsibilities as Mayor, because this is a zoning ordinance that has not gone through the public hearing process as set forth in the Michigan Zoning Enabling Act, and further has not been approved as to form the City Attorney. For these reasons, this ordinance is without legal effect, regardless of City Council approval.

Moved by Council Pro Tem Patrick  
Supported by Councilmember Bates

To approve the ordinance to authorize and regulate the establishment of medical marijuana facilities and adult use facilities. Yeas (4), Nays (1), Absent (0).

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**CITY CLERK**  
**10-19-20 V**

The following resolution was submitted for approval.

Moved by Council Pro Tem Patrick  
Supported by Councilmember Bates

**WHEREAS**, On October 5, 2020 the Highland Park City Council adopted Ordinance 2020-3 an Ordinance to authorize and regulate the establishment of Medical Marijuana Facilities and Adult Use Marijuana Facilities; and

**WHEREAS**, Ordinance 2020-3 has designated the City Clerk to facilitate and perform a variety of duties and responsibilities in this ordinance;

**THEREFORE, BE IT RESOLVED** that City Council allow the City Clerk to engage professional expert assistance in performing the Clerk's duties and responsibilities under this ordinance. Yeas (4), Nays (1), Absent (0).

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**CITY COUNCIL**  
**10-19-20 VI**

The following resolution was submitted for approval.

**RESOLUTION TO SUPPORT HOUSE BILL HR 642**

Moved by Council Pro Tem Patrick  
Supported by Councilmember Bates

To table the resolution in support of House Bill HR 6422 (5), Nays (0), Absent (0).

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**INFORMATION TECHNOLOGY**  
**10-19-20 VII**

The following resolution was submitted for approval.

**RESOLUTION TO EXPEND FUNDS FOR INTERACTIVE VIDEO BOARDS TO  
ENHANCE VIRTUAL CITY COUNCIL MEETINGS**

Moved by Council Pro Tem Patrick  
Supported by Councilmember Armstrong

**WHEREAS**, the City of Highland Park has been significantly impacted by the coronavirus since March 2020; and

**WHEREAS**, in an effort to protect its citizens, officers and others, the City has endeavored to hold City Council and other meetings virtually to limit contact and prevent the further spread of the coronavirus; and

**WHEREAS**, the installation of Promethean ActivPanel Nickel 75" 4K TFT LCD Interactive Displays will enhance the quality and experience of said virtual meetings; and

**WHEREAS**, the City received a bid from an approved **MiDeal** computing supplier, CDW Government, 75 Remittance Drive, Suite 1515, Chicago, IL 60675-1515, to furnish two interactive boards at a cost of \$4,039.71 each for a total cost of \$8,079.42; and

**WHEREAS**, the City of Highland Park has received grant funding for eligible coronavirus-related expenses that are intended to prevent, prepare for and respond to the coronavirus; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Highland Park approves the purchase of two Promethean ActivPanel Nickel 75" 4K TFT LCD Interactive Displays from CDW Government in the amount of \$8,079.42 to be paid from grant funding. Yeas (5), Nays (0), Absent (0).

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**PUBLIC WORKS**  
**10-19-20 VIII**

The following resolution was submitted for approval.

**RESOLUTION TO AMEND CONTRACT WITH PROGRESSIVE SWEEPING CONTRACTORS, INC.**

Moved by Councilmember Armstrong  
Supported by Council Pro Tem Patrick

Because no one was available to answer questions regarding this item, Council Pro Tem Patrick withdrew his support. Councilmember Armstrong withdrew his motion.

**FAILED FOR LACK OF SUPPORT**

Moved by Council Pro Tem Patrick  
Supported by Councilmember Bates

To remove this item and add to next Workshop agenda. Yeas (5), Nays (0), Absent (0).

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**RECREATION  
10-19-20 IX**

The following resolution was submitted for approval.

**RESOLUTION TO EXPEND FUNDS FOR A FITNESS COURT INSTALLATION**

Moved by Councilmember Bates  
Supported by Council Pro Tem Patrick

**WHEREAS**, on August 17, 2020, the City approved entering into a contract with the Charter County of Wayne to fund up to \$50,000 for the construction of a fitness court; and

**WHEREAS**, Century Cement (the contractor who repaired 69 sinkholes in the City) will prepare the soil in accordance with a geotechnical study that was performed at the request of the City Engineering Department and pour the cement pad at a cost of \$18,500 (+/-10%); and

**WHEREAS**, the National Fitness Campaign has contracted with Regupol to supply sports floor tiles at a cost of \$10,332; and

**WHEREAS**, the National Fitness Campaign has contracted with Engineered Installation Solutions to install the sports tiles, build the fitness court wall and install the fitness court elements at a cost of \$19,500; and

**WHEREAS**, the final step will be to the graphic and decal installation at a cost of approximately

\$800 - \$1200; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Highland Park approves expending funds for the installation of a fitness court to be funded by the grant from Wayne County. Yeas (5), Nays (0), Absent (0).

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**WATER/ENGINEERING  
10-19-20 X**

The following *Vacation of Public Rights-of-Way Guidebook* draft was received and filed.

**VACATION OF PUBLIC RIGHTS-OF-WAY  
GUIDEBOOK**

This guidebook covers the approval process for vacation of alleys, easements, and rights-of-way in accordance with City Ordinance Section 1246.04.

**TABLE OF CONTENTS**

DEFINITIONS.....	6
CONSULTATION.....	7
PETITION.....	7
SUPPLEMENTAL DOCUMENTATION .....	8
GENERAL REVIEW PROCEDURE.....	8
SAMPLE PETITION.....	9
SAMPLE LETTER TO UTILITIES.....	11
VACATION OF PUBLIC RIGHTS-OF-WAY CHECKLIST.....	12

**DEFINITIONS**

Easements: A quantity of land set aside or over which a liberty, privilege or advantage is granted by the owner to the public, a corporation, a particular person or part of the public, for specific uses and purposes, and shall be designated a "public" or "private" easement depending on the nature of the uses.

Full/Outright Vacation: If there are no existing utilities or easements within the ROW and the City relinquishes all control over the former street/alley. Any utilities located within the alley, street, or public right-of-way, above and/or below grade, or any easements shall be removed/abandoned prior to the release of the street, alley or public right-of-way.

Right-of-Way (ROW): a type of easement granted or reserved over the land for transportation purposes, such as a streets and alleys. Refer to Ordinance 1244.02 for standard Right-of-way widths.

Right-of-Way Vacation: When an alley, street or other public right-of-way is vacated, the City gives up ownership of the alley or street to the neighbors/property owners.

## CONSULTATION

Required documentation may vary depending on the project. It is recommended that you contact the City Engineer to set up an initial meeting to discuss your plans.

Call Us: (313) 865-1876

Email us: [hpcityengineer@metroca.net](mailto:hpcityengineer@metroca.net)

- Consultations are highly recommended for more complex projects
- If required, the City Engineer will ensure the proper reviewing entities are present
- Consultation will determine feasibility and requirements of the proposed vacation
- It is highly recommended that the vacation approval process begins before or in parallel with Site Plan Approval, if Site Plan review is required.

The following items should be preliminarily provided to the City Engineering Department during consultation before official submission of petition to the City Engineer:

- List of all existing utility companies within the subject area and any maps provided by utility owners, if applicable.
- List of all property owners within 300 feet of proposed area to be vacated.

## PETITION

The petition shall include the following:

- a. Form with petitioner's name, address, and interest in the petition
- b. List of all abutting properties (approved by City Clerk)
  - i. After Planning Commission recommendation, City Clerk will send certified notifications with return receipt requested to all adjacent property owners within a minimum of 300 feet of the farthest area of the proposed vacated right-of-way. Notification will include explanation of proposed vacation and date of public hearing.
- c. A statement of the changing conditions which make the vacation necessary
  - i. Whether the closing will create an undue burden on traffic.

- ii. Whether the closing is necessary to address safety concerns.

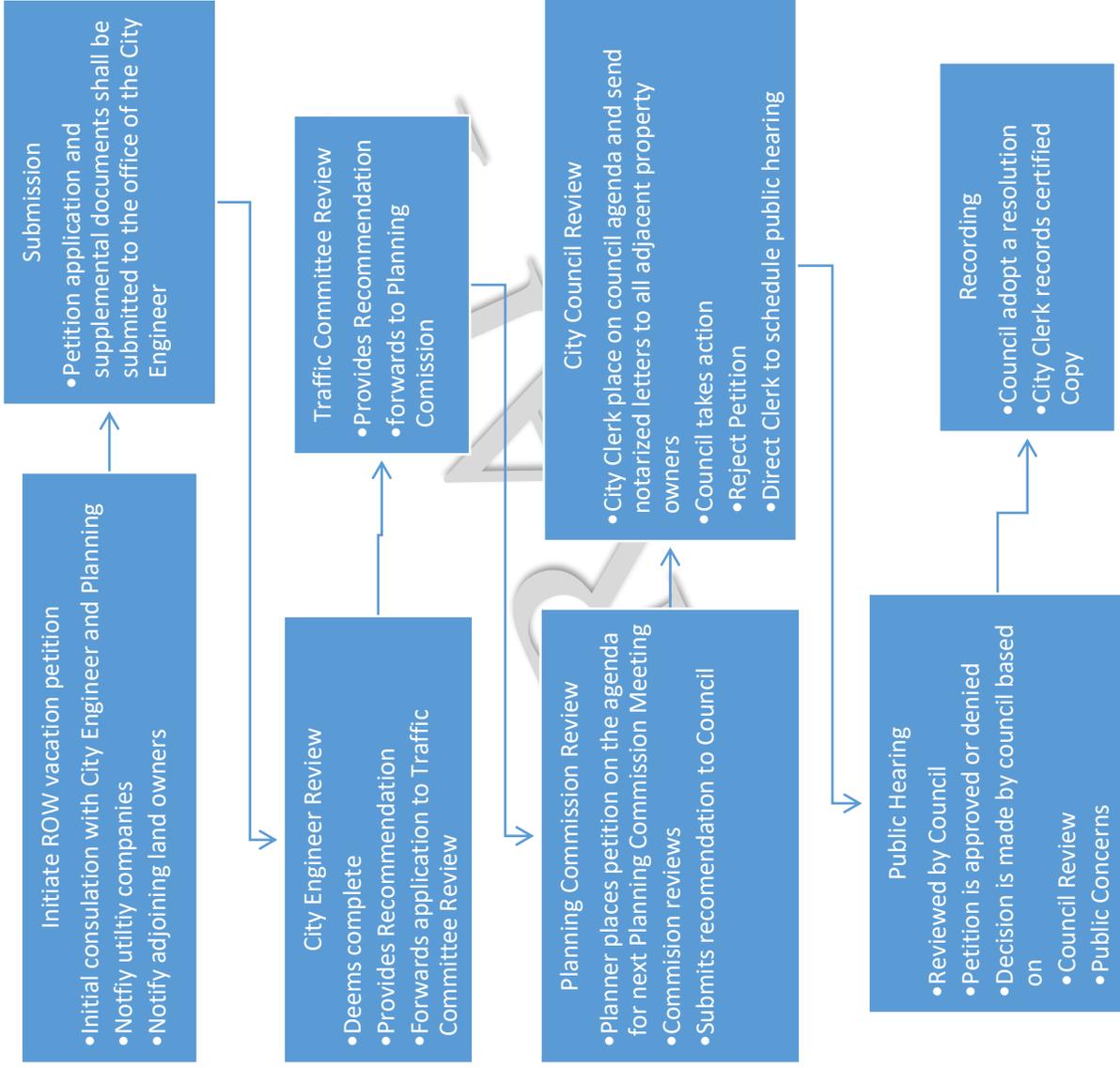
A petition example is included on page 5 of this guidebook. When preparing the petition, add as many legal and signature areas as necessary for all abutting properties.

#### SUPPLEMENTAL DOCUMENTATION

1. Provide a drawing of the proposed right-of-way to be vacated (this can either be in an Exhibit or Plat format, however a plat is preferred). The exhibit or plat must be completed by a registered Land Surveyor.
2. A drawing or site development plan showing the intended use of the vacated right-of-way.
3. Written responses from all utility companies affected by the proposed vacation.
  - a. A signed letter by each utility company with infrastructure within the limits of the proposed petition which includes name, contact person, address, telephone number along with agreement and comment on proposed vacation.
  - b. If no facilities are located within the limits of the proposed petition, a clearance letter shall be provided by the utility company.
  - c. Note: If arrangements need to be made for relocation of any facilities, a written agreement for proposed relocation needs to be included in submission.
  - d. A sample letter to utility is included on page 7 of this guidebook.
4. Any additional information determined by the City to be necessary based on the specific request/proposal.

#### GENERAL REVIEW PROCEDURE

- The petition must undergo a series of utility and departmental reviews to ensure the project will not produce unforeseen issues.
- Following review by the necessary City departments, the petition will be placed on the next available Planning Commission meeting agenda for consideration.
- Within 45 days of the date of submission, the Planning Commission will forward the petition and its recommendation to Council.
- Within 30 days of the recommendation from the Planning Commission the Council will either reject the petition or set a public hearing date for the proposed vacation based on State Law requirements.



**SAMPLE PETITION**

**PETITION TO VACATE:** (Name of the street within the limits of the vacation)

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**TO THE HIGHLAND PARK CITY COUNCIL:**

The owners of real property in The City of Highland Park, MI, petition the Council to vacate the (street or alley) described above, because:

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An exhibit of the proposed (street or alley) vacation is attached and made a part of this petition.

We request that you have this petition filed, set a hearing date, and give notice of the time and place of the hearing as required by law. After the hearing, we request that you vacate the (street or alley) by resolution as provided by law.

1) LEGAL DESCRIPTION \_\_\_\_\_ (Print full legal description of property here.)

\_\_\_\_\_  
(OWNER—SIGNATURE)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public—Michigan

2) LEGAL DESCRIPTION \_\_\_\_\_ (Print full legal description of property here.)

\_\_\_\_\_  
(OWNER—SIGNATURE)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public—Michigan

3) LEGAL DESCRIPTION \_\_\_\_\_ (Print full legal description of property here.)

\_\_\_\_\_  
(OWNER—SIGNATURE)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public—Michigan

*Note: Add enough legal description areas, owner, and notary information for all the applicants (100% of properties abutting proposed vacation).*

I, (Person's name submitting petition printed here), have read the above "Petition to Vacate" and know its contents. It is true to the best of my knowledge.

\_\_\_\_\_  
(APPLICANT—SIGNATURE)

\_\_\_\_\_  
(ADDRESS)

\_\_\_\_\_  
(TELEPHONE NUMBER)

\_\_\_\_\_  
(E-MAIL ADDRESS) If available

State of \_\_\_\_\_ Subscribed and sworn to before me County of \_\_\_\_\_  
\_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public—Michigan

I would like the City of Highland Park to remove the easement from the proposed vacated right-of-way with the resolution.

(If checked – all utility companies must be contacted concerning proposed right-of-way vacation and any conflicts must be resolved prior to submitting petition SAMPLE

LETTER TO UTILITIES

(contact the Department of Community & Economic Development for a current list)

(Date)

To: *Utility Company Representative*

We are requesting the City of Highland Park vacate the street/alley right-of-way identified (on the attached exhibit) or (description of proposed vacated right-of-way). When vacating a street/alley, the City reserves the entire right-of-way as an easement if no request has been made to remove the easement. Please review the (enclosed exhibit) or (description of proposed vacated right-of-way). If you have facilities that are located within the right-of-way that must remain there, please let us know so a new easement can be created, or the utility can be relocated. If you do not have, nor plan on having facilities located within this right-of- way, please let us know also. All costs associated with easement drawings and/or facility relocation will be the responsibility of the applicant.

Please return this form by fax or email to our address after furnishing the requested information. If you have any questions or concerns about the proposed vacation, please contact us.

Thank you for your assistance.

Name of Utility Company: \_\_\_\_\_

Utility Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

We have no facilities in the proposed vacated right-of-way.

We need to maintain an easement for our facilities in the current location.

Arrangements need to be made for relocation of our facilities.

Utility Contact: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Comments:

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**Attach separate sheet for additional comments**

**Please return to:** *(Applicant's name or contact person)*

*(Address)*

*(Telephone Number)*

#### VACATION OF PUBLIC RIGHTS-OF-WAY CHECKLIST

##### **PETITION:**

Legal Description of the rights-of-way to be vacated and all abutting parcels (Note: Updated legal descriptions for all associated parcels will be required once petition is approved by Council)

List of all abutting properties (approved by the City) to be notified of the proposed vacation(s)

Oath of applicant including:

Applicant's Name

Address

Telephone Number

##### **RELEASE OF EASEMENT:**

Written responses from all utility companies affected by the proposed vacation, including the following:

Utility Name

Representative/Contact Name

Address

Phone Number

Agreement and/or Comments and concerns

**Utility Mitigation Plan (if necessary)**

Utility comment sheets and resolutions to any conflicts which address the concerns, relocations, easements, etc. with utilities (If applicable)

**SUPPORTING DOCUMENTATION:**

A statement of the changed or changing conditions, if any, in the area which make the proposed vacation reasonably necessary including:

Does the closing create an undue burden on traffic?

Is the closing necessary to address safety concerns?

Does the petition go along with the wishes and desires of most of the neighborhood?

Does the petition adhere to the present and future interests of the City?

Map/Exhibits locating the public right-of-way that is proposed to be vacated

A drawing or site development plan of the proposed project for which the vacation is necessary

Consents and waivers of damages of all property owners adjoining the public right-of-way proposed to be vacated

Determine the ownership of the underlying fee interest of the public right-of-way proposed to be vacated.

Filing Fee - \$ 250 + \$35 per abutting lot

**IMPORTANT DATES**

Date turned into City Engineering Office: \_\_\_\_\_

Planning Commission Review (Applicant must be present) Date: \_\_\_\_\_

Date of Public Hearing (Applicant must be present at City Council meeting): \_\_\_\_\_

Date of Publication – (after Hearing): \_\_\_\_\_

**ADJOURNMENT**

Moved by Council Pro Tem Patrick

Supported by Councilmember Armstrong

To adjourn the meeting, motion carried, meeting adjourned at 8:26 p.m.

**CERTIFICATE**

I hereby certify that the attached is a copy of the minutes of the Virtual Regular Meeting held the 19<sup>th</sup> day of October 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