

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

MONDAY, APRIL 15, 2013

**ROBERT B. BLACKWELL MUNICIPAL COMPLEX
12050 WOODWARD
HIGHLAND PARK, MICHIGAN 48203**

Council convened at 7:06 p.m. with Council President Christopher Woodard presiding.

Present: Councilmember Moore, Councilmember Patrick, Councilmember McClary and Council President Woodard (4).

Absent: Council Pro Tem Lewis (excused) (1).

A quorum being present, Council was declared in session.

APPROVAL OF AGENDA:

Moved by Councilmember Patrick
Supported by Councilmember Moore

To add a resolution from Councilmember Moore re: The Highland Park Water System. Yeas (3), Nays (1) McClary, Absent (1).

Moved by Councilmember Patrick
Supported by Councilmember Moore

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

APPROVAL OF MINUTES:

Moved by Councilmember Moore
Supported by Councilmember Patrick

To approve the minutes of the Workshop and the Regular Meeting held April 1, 2013. Yeas (4), Nays (0), Absent (1).

Moved by Councilmember Moore
Supported by Councilmember Patrick

To approve the minutes with the change from Special Workshop to Special Budget Workshop Meeting held April 3, 2013. Yeas (4), Nays (0), Absent (1).

FINANCE

Va. The following resolution was submitted by the Finance Department.

Moved by Councilmember Patrick
Supported by Councilmember Moore

**TO AMEND THE GENERAL FUND ACCOUNT ACTIVITY BUDGET AS PRESENTED BY THE
FINANCE DEPARTMENT AND MAYOR DEANDRE WINDOM
AS OF APRIL 15, 2013
FOR THE FISCAL YEAR 2012-2013**

WHEREAS, the City of Highland Park is required by the State of Michigan to periodically amend the annual operating budget to accurately reflect current operations; and

WHEREAS, members of the Highland Park City Council held a meeting on April 3, 2013 to review General Fund budget amendments for the year ending June 30, 2012;

WHEREAS, the Finance Department has reviewed the current general fund expenditures for the year ending June 30, 2012 and would like to submit to the Highland Park City Council proposed budget amendments; (See attached Budget)

NOW, THEREFORE BE IT RESOLVED that **the Highland Park City Council adopts the amended General Fund activity budget as presented by the finance department and Mayor DeAndre Windom.**

BE IT FINALLY RESOLVED that a copy of this resolution becomes a part of the official records of the City of Highland Park. Yeas (4), Nays (0), Absent (1).

V b. The following resolution was submitted by the Finance Department.

**TO ACKNOWLEDGE THE RECEIPT OF THE CITY OF HIGHLAND PARK
ANNUAL AUDIT REPORT FOR
THE YEAR ENDING JUNE 30, 2012**

WHEREAS, The City of Highland Park is required to submit to the State of Michigan by December 31, 2012 an annual audit report for the year ending June 30, 2012;

WHEREAS, the Annual Audit for the year ending June 30, 2012 was completed and accepted by the City's auditor, Gregory Terrell and Company;

WHEREAS, members of the Highland Park City Council held a workshop on Wednesday, April 3, 2013 to review the Annual Audit for the year ending June 30, 2012;

NOW, THEREFORE, BE IT RESOLVED that **the Highland Park City Council acknowledges the receipt of the Annual Audit for the year ending June 30, 2012.**

BE IT FINALLY RESOLVED that copy of this resolution becomes a part of the official records of the City of Highland Park.

To action taken.

LEGAL

VI a. The following resolution was received from the Legal Department.

Resolution Authorizing the S2 Grant Agreement

WHEREAS, Part 52 (strategic water quality initiatives) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (“Part 52”), provides at MCL 324.5204a that the Michigan Finance Authority (the “MFA”) in consultation with the Michigan Department of Environmental Quality (the “DEQ”) shall establish a strategic water quality initiatives grant program; and

WHEREAS, in accordance with the provisions of 2010 PA 231, which provides grants to assist municipalities in completing loan application requirements under MCL 324.5308 or completing loan application requirements for other sources of financing for sewage treatment works projects, storm water treatment projects or nonprofit source projects; and

WHEREAS, in accordance with the provisions of 1985 PA 227, as amended, Part 52, and other applicable provisions of law, the MFA, the DEQ, and the Municipality that is a grant recipient shall enter into a grant agreement (the “S2 Grant Agreement”) that requires the Municipality to repay the grant under certain conditions as set forth in MCL 324.5204a, as amended; and

WHEREAS, the Municipality does hereby determine it necessary to undertake planning, revenue system development, and/or design activities related to a project for which it intends to seek financing for construction; and

WHEREAS, it is the determination of the Municipality that at this time, a grant in the aggregate principal amount not to exceed \$1,000,000.00 (“Grant”) be requested from the MFA and the DEQ to pay for the planning and/or design activities; and

WHEREAS, the Municipality shall obtain this Grant by entering into the S2 Agreement with the MFA and DEQ.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. _____ (*title of the designee's position*), a position currently held by _____ (*name of the designee*), is designated as the Authorized Representative for purposes of the S2 Grant Agreement.

2. The proposed form of the S2 Grant Agreement between the Municipality, the MFA and DEQ (attached hereto as Appendix I) is hereby approved and the Authorized Representative is authorized and directed to execute the S2 Grant Agreement with such revisions as are permitted by law and agreed to by the Authorized Representative.

3. The Municipality shall repay the Grant, within 90 days of being informed to do so, with interest at a rate not to exceed 8 percent per year, to the Authority if any of the following conditions occur:

- (a) The Municipality fails to submit an administratively complete loan application for assistance from the SRF, SWQIF or other source of financing for the project within 3 years of the Grant award;
- (b) The project has been identified as being in the fundable range or is approved for funding from another source and the Municipality declines loan assistance for 2 consecutive fiscal years unless the Municipality proceeds with funding from another source; or
- (c) The Municipality is unable to, or decides not to, proceed with constructing the project.

4. The Grant, if repayable, shall be a first budget obligation from the general funds of the Municipality, and the Municipality is required, if necessary, to levy ad valorem taxes on all taxable property in the Municipality for the payment thereof, subject to applicable constitutional, statutory and Municipality tax rate limitations.

5. The Municipality shall not invest, reinvest or accumulate any moneys deemed to be Grant funds, nor shall it use Grant funds for the general local government administration activities or activities performed by municipal employees.

6. The Authorized representative is hereby jointly or severally authorized to take any actions necessary to comply with the requirements of the MFA and the DEQ in connection with the issuance of the Grant. The Authorized Representative is hereby jointly or severally authorized to execute and deliver such other contracts, certificates, documents, instruments, application and other papers as may be required by the MFA or the DEQ or as may be otherwise necessary to effect the approval and delivery of the Grant.

7. The Municipality acknowledges that the S2 Grant Agreement is a contract between the Municipality, the MFA and the DEQ.

8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

Moved by Councilmember McClary
Supported by Councilmember Moore

To approve the resolution for authorizing the S2 Grant Agreement Yeas, (2); Nays, (2) Moore, Patrick; Absent (1); Item failed for lack of support

VI b. The following resolution was received from the Legal Department.

RESOLUTION TO APPROVE MERS CHANGE IN PENSION MULTIPLIER

BE IT RESOLVED that the Highland Park City Council approves the MERS change in pension multiplier for the City of Highland Park Public Safety Retirement Plan to 2.25%:

Moved by Councilmember McClary
Supported by Councilmember Patrick

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

RECREATION

VII. Request approval of a Facility Rental Application from D & S League for an adult basketball league beginning April 21, 2013 until May 26, 2013 from 7:00 p.m. to 9:00 p.m. The liability insurance is attached.

Moved by Councilmember Moore

Supported by Councilmember McClary

To approve the Facility Rental Application from D & S League for a basketball league. Yeas, (4); Nays, (0); Absent, (1)

CITY COUNCIL

VIII The following resolution was submitted by Councilmember Moore

A RESOLUTION TO RESTORE MANAGEMENT AND OPERATION OF THE HIGHLAND PARK WATER SYSTEM

Whereas, in accordance with Section 3-1 and 3-5 of the Charter for the City of Highland Park, the Mayor Windom, without the support and approval of the City Council cannot close down the Highland Park Water System and cannot single-handedly contract another municipality to provide municipal water service without first securing the approval of the Highland Park City Council;

Whereas, Section. 14-1 fully sets forth the Authority of Council. The power to make contracts on behalf of the City is vested in the Council. All contracts, except as otherwise provided by ordinance in accordance with the provisions of Section 14-2 hereof, shall be authorized by the Council and shall be signed on behalf of the City by the Mayor and the Clerk:

Whereas, Section. 6-1 sets forth the General Powers and Duties of the Council. More specifically; All powers of the City shall be vested in the Council, except as otherwise provided by the law or by this Charter, and the Council shall provide for the exercise thereof by ordinance, resolution or otherwise and for the performance of all duties and obligations imposed on the City by law. It shall have and exercise all Municipal powers in the management and control of City property and in administration of City government whether such powers and expressly enumerated or not, and do any act to advance the interests of the City, the good government and prosperity of the City and its inhabitants and pass all laws and ordinances relating to Municipal concerns subject to the Constitution and general laws. The Council shall be the legislative body of the City, shall function and determines policies as an integrated body and shall not delegate powers or determinations to committees of its members.

Whereas, Section. 3-1 of the Highland Park City Charter entitled, "General Powers", states the following: unless otherwise provided or limited in this Charter, the City shall possess and be vested with all the powers, privileges, and immunities, expressed or implied, which cities are, or hereafter may be, permitted by law to exercise or to include in the charters. The enumeration of particular powers, privileges, or immunities in this section or elsewhere in this Charter shall not be held to be exclusive. These powers shall include those set forth at length in Act 279 of 1909, Act 94 of 1933, and all other laws of general applicability of the State, as now or hereafter provided, as though quoted at length herein. The City shall have power to manage and control the finances, rights, interests, buildings, and property, to enter into contracts, to do any act to advance the interest, good government, and prosperity of the City and its inhabitants, and to protect the public peace, morals, health, safety, and general welfare, and to prevent vice and immorality. In the exercise of such powers, the City may enact ordinances, rules, and regulations, and take such other action as may be required, not inconsistent with law;

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Whereas, Section. 3-5 of the Highland park City Charter entitled, “Public Services”, states the following: The City shall have power to acquire, construct, provide, operate, maintain, extend, improve, encumber, and dispose of, either within or without the City, or the County of Wayne, and all public services, utilities, facilities, buildings, and structures for the rendering of public service to its inhabitants and other persons,

Whereas, the Highland Park City Charter was violated by Mayor Windom, the City Council did not in a timely manner received effective communication from the city administration as to why the city was transferred to the Detroit Water System,

Whereas, the Highland Park city Charter was violated by the Mayor, since no legal documentation was ever provided to the Highland Park City Council such as: agreements and/or arrangements between the City of Highland Park and the Detroit Water & Sewage Department;

Whereas, the Highland Park City Charter was violated by the Mayor as stated in Sec. 5-3 meetings, since no special council meeting was convened to discuss the urgency of transferring the City Water System to another water system nor was the city council sought to authorize the administration to transfer the city to the Detroit Water System;

Whereas, subsection (b) of Sec. 5-3 states: Special meetings of the Council shall be held at the place of regular meetings. Special meetings shall be called by the Clerk on the written request of the Mayor, the President of the Council, or any two members of the Council, on at least six hours written notice, designating the time and purpose of such meeting, and served personally on each member of the Council, or left at his usual place of residence by the Clerk or by someone designated by him. Such notice may be waived orally or in writing by Councilmen attending the meeting or in writing by those not attending.

Whereas, the City of Highland park by and through its legislative authority: the Highland Park City Council having no legal documentation denoting any agreement and/or arrangement with the Detroit Water and Sewage Department, is powerless to pay any invoices that are invalidated because of being both an unauthorized and illegal contract and/or arrangement with Detroit Water and Sewage Department;

WHEREAS, the Mayor by not following the Highland Park City Charter and engaging the City Council, has caused concerns of open and effective governance by the citizens who entrusted its elected officials to operate with integrity on their behalf;

WHEREAS, the Mayor (responsible party) was notified and directed by the Michigan Department of Environmental Quality (MDEQ) of the requirements needed to properly restore the City of Highland Park Water System and such improvements were in process by the City without regular updates on the status of such improvements to the City Council;

WHEREAS, the City of Highland Park should appropriately review the potential of conducting water business as they did in prior years;

NOW, THEREFORE BE IT RESOLVED THAT: The City Council of Highland Park approve the actions of requiring the Mayor to provide all pertinent documents, revert to the appropriate processes, provide proper notification, execute appropriate agreements and submit a proposed City water System Restoration plan, so that the City Council is properly and legally engaged in the Water System planning process.

Moved by Councilmember Moore
Supported by Councilmember Patrick

To approve the resolution by Councilmember Moore Yeas (3), Nays (1) McClary, Absent (1)

ADJOURNMENT:

Moved by Councilmember Moore
supported by Councilmember McClary

To adjourn this meeting, motion carried. Meeting adjourned at 8:52 p.m.

CERTIFICATE

I, hereby certify that the attached is a copy of the proposed minutes of a Regular Meeting held on the 15th day of April, 2013 and that said proposed minutes are available for public inspection at the address designated on the posted public notice.

A handwritten signature in cursive script that reads "Brenda Green/Cu". The signature is written over a horizontal line.

Brenda J. Green, City Clerk