

**MINUTES OF THE  
REGULAR MEETING OF THE HIGHLAND PARK CITY COUNCIL  
MARCH 5, 2012**

**Council convened at 7:11 p.m. with Council President Christopher Woodard presiding.**

**Present: Council Pro-Tem Lewis, Councilmember Moore, Councilmember Patrick,  
Councilmember McClary and Council President Woodard (5).**

**Absent: None (0).**

**A quorum being present, Council was declared in session.**

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**APPROVAL OF AGENDA:**

**Moved by Council Pro Tem Lewis  
Supported by Councilmember McClary**

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

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**APPROVAL OF MINUTES:**

**Moved by Council Pro Tem Lewis  
Supported by Councilmember McClary**

**To approve the minutes as one item and approve as presented.**

**Regular Workshop Meeting held February 6, 2012  
Regular Meeting held February 6, 2012**

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

**BID OPENING:**

**18 The Clerk stated this was the place and time to open bids for NSP2 #3B.**

**Four (4) bids were received.**

**Joy Construction  
7730 Joy Rd.  
Detroit, Mi. 48204  
Total bid amount: \$15,300.00**

**Blue Star Inc.  
23894 Amber Ave.  
Warren, Mi. 48089  
Total bid amount: \$23,800.00**

**Able Demolition, Inc.  
5675 Auburn Rd.  
Shelby Township, Mi.  
Total bid amount: \$22,650.00**

**Farrow Group Inc.  
601 Beaufait St.  
Detroit, Mi. 48207  
Total bid amount: \$27,850.00**

**Moved by Councilmember McClary  
Supported by Council Pro Tem Lewis**

**To refer the above bids to Community Development Department for a report and recommendation. Yeas (5), Nays (0), Absent (0).**

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**ORDINANCE:**

**19 The following resolution was received from administration.**

**RESOLUTION TO INTRODUCE FOR FIRST READING  
A NEW ORDINANCE TO AMEND TITLE II OF THE CITY CODE BY  
ADDING A SECTION TO THE CODE TO AUTHORIZE SECONDARY  
EMPLOYMENT OF POLICE OFFICERS**

**WHEREAS, the City is looking for new and innovative ways to increase public safety in the community; and**

**WHEREAS, the City believes that we need more police presence in our community for businesses and citizens; and**

**WHEREAS, allowing our police officers the opportunity for outside employment and the opportunity to wear their City of Highland Park uniforms while engaged in such employment will provide a greater opportunity for them to protect life and property; and**

**WHEREAS, this ordinance establishes a program that is protective of the city as well as provides for a greater opportunity to protect life and property within the City of Highland Park,**

**NOW, THEREFORE, BE IT RESOLVED THAT:**

**The City Council hereby introduces for first reading an ordinance to establish a secondary employment program for Highland Park police officers.**

**Moved by Council Pro Tem Lewis  
Supported by Councilmember Patrick**

**To approve the resolution for a new ordinance to amend title II of the city code by adding a Section to the code to authorize secondary employment of police officers. Yeas (5), Nays (0), Absent (0).**

**\*\*\***

**Moved by Council Pro Tem Lewis  
Supported by Councilmember Moore**

**That the proposed ordinance to amend Part II, Chapter 230 of the City of Highland Park Municipal Code to provide for the opportunity of secondary employment for Highland Police officers be placed on the order of first reading.**

**Ordinance No. \_\_\_\_\_ 2012**

**Summary**

**An ordinance to amend Title II of the City code by adding Section 230.03 to provide for the opportunity for Highland Park police officers to participate in secondary employment program assignments to protect life and property, to keep the peace and to enforce the provisions of this Code, state law and where applicable, federal statutes, at the designated location of the secondary employer, provided that any employment under this division shall be secondary and subject to all of the primary obligations imposed upon police officers pursuant to the charter for the City of Highland Park, this Code, state law, their respective collective bargaining agreements and any applicable provisions of the Highland Park Police Department Manual concerning the employment of police officers, including work rules,**

**SECTION 1.** The City of Highland Park does hereby ordain as follows: It is hereby ordained by the People of the City of Highland Park that it amends Title II of the municipal code by adding subsection 230.03 to the municipal code.

**230.03 Establishment.**

There is hereby created and established a Secondary Employment Program for the police department of the City of Highland Park.

**(1). Secondary Employment Program. Definitions:** For purposes of this division, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**“Chief of Police”** means the chief executive of the City of Highland Park Police Department who is appointed and serves in accordance with the Charter of the City of Highland Park.

**“City”** means the City of Highland Park, a municipal corporation.

**“Outside Employment”** means employment that is neither by the City of Highland Park nor secondary employment.

**“Secondary employer”** means an approved third-party who provides secondary employment to any police officer.

**“Secondary employment”** means outside employment performed by a police officer’s where:

1) The police officer is employed by a secondary employer at an assigned location within the City pursuant to an approved agreement between the police officer and the secondary employer;

2) Payment is made to the police officer by a secondary employer, as defined by this section; and

3) The approved secondary employment agreement is managed through the City of Highland Park Police Department.

**(2) Purpose and scope of secondary employment program.** The primary purpose of police officers working secondary employment assignments pursuant to this division shall be to protect life and property, to keep the peace, and to enforce the provisions of this Code, state law and, where applicable, federal statutes, at the designated location of the secondary employer, provided, that any employment under this division shall be secondary, and subject to all of the primary obligations imposed upon police officers pursuant to the Charter for the City of Highland Park, this Code, state law, their respective collective bargaining agreements, and any applicable provisions of the Highland Park Police Department Manual concerning the employment of police officers, including work rules. This division does not apply to outside employment.

**(3) Secondary Employment Program policies, rules, regulations and procedures; administration.** The Mayor, or his or her designee, shall establish the policies, rules, regulations and procedures for administering and implementing the Secondary Employment Program in accordance with this chapter, provided that any policies, rules, regulations and procedures shall be consistent with the purpose and scope of the program. The Secondary Employment Program

shall be administrated without regard to age, race, religion, color, national origin gender, physical impairment, or other criteria prohibited by state or federal law, or by this Code.

**(4) Secondary Employment Program standard agreement and services fees; payment of court time as a result of a police officer's secondary employment. The Mayor, or his or her designee, shall develop a standard agreement that is consistent with the requirements of this division to be used for all secondary employment. The Mayor or his or her designee shall establish service fees for the administration of the Secondary Employment Program. Secondary Employment Program fees may be exempt from payment to the City for the following reasons:**

- a) A person using City-Owned or controlled facilities, including, but not limited to, City parks and outdoor public properties that are owned and controlled by the City; or**
- b) A person with a prior existing agreement with the City to employ police officers for private security or special events.**

**The Mayor, or his or her designee, shall establish written procedures for the exemption of payment of administrative fees to the City as provided for in subsections a. and b. above. A secondary employer shall be responsible for payment to the City of Highland of any court time necessitated as a result of any incident arising out of a police officer's secondary employment activity at an assigned location.**

**(5) Requests for secondary employer approval, investigation and determination; requirements upon approval; police officers requests for approval. No person shall make an agreement with or employ or retain any police officer for the purpose of providing any uniformed or non-uniformed security, patrol, private investigation or surveillance, traffic control, personal-security services, or other law-enforcement related or security-related services without first receiving approval as a secondary employer from the Mayor or his or her designee.**

**a) Any person who requests services of a police officer for secondary employment under this division shall submit a request for approval to the Mayor, or his or her designee.**

**b) Upon receipt of a request for approval of a person as a secondary employer, the request shall be reviewed and an investigation of the person and location for employment must be made to determine.**

**1) Whether the person has failed to comply with any requirement of this Code, police department rules, regulations, policies and procedures pertaining to the Secondary Employment Program;**

**2) Whether the location for the secondary employment of the police officer is in compliance with the provisions of this Code, including payment to the City of Highland Park of any outstanding assessments, fees, and taxes for the location.**

**3) Whether the location of the secondary employment possesses any required license or permit required under this Code or by the State of Michigan; and**

**4) Whether there is any information concerning the person or location that would support a determination that approval of the request would not be consistent with this**

Code, or the police department's rules, regulations, policies and procedures pertaining to the Secondary Employment Program, or in the best interests of the City,

c) Upon approval of a request to accordance with this section, the secondary employer shall:

1) Agree to maintain a record of each police officer's hour of work and make payment to the police officer for all hours worked; and

2) Authorize inspection of the business premises, as reasonably requested by the administration for the purpose of assuring that the premises and the activities of the secondary employer are in compliance with this division, including the terms and conditions of the secondary employment agreement.

d) A police officer who requests secondary employment under this division shall submit a request to the administration.

6) **Indemnification: Insurance requirements; approval by Law Department.** The secondary employment program shall require a secondary employer to enter into a written agreement to indemnify and hold the City of Highland Park, its elected officials and its employees harmless against and from any and all liabilities, obligations, damages, penalties, claims, costs, charges, losses and expenses, including without limitation, fees and expenses for attorneys, expert witnesses and other consultants, that may be imposed upon, incurred by or asserted against the City of Highland Park or its elected officials, employees, or agents based on any actual or alleged actions, omissions, negligence, or intentionally tortuous conduct of;

- a) The secondary employer, or its officers, agents or employee; or
- b) The participation police officer; or
- c) Both.

The secondary employer shall maintain, at a minimum and its expense:

a) Worker's Compensation insurance covering its employees, including the participating police officers; and

b) Commercial general liability insurance (broad form comprehensive) in the amounts of one million dollars (\$1,000,000.00) for each occurrence and two million dollars (\$2,000,000.00) in the aggregate, which shall name the City of Highland Park, the participating police officer, and employees as additional insured and state that the secondary employer's insurance is primary and not in excess of any insurance or self-insurance program already carried or maintained by the City of Highland Park.

The Law Department shall approve the indemnification agreement and the insurance coverage to ensure that the secondary employer is in compliance with the requirements of this section.

**7) Grounds for suspension or revocation of approval of secondary employment agreement. A secondary employment agreement that is entered into in accordance with this division may be suspended or revoked by the administration upon any of the following grounds:**

**a) The secondary employer is not operating the business in compliance with the requirement of the applicable provisions of this Code; or**

**b) The secondary employer is not in compliance with the requirements of the Police department's rules regulations, policies and procedures; or**

**c) The secondary employer has failed to maintain insurance coverage that is required by the Code; or**

**d) In the judgment of the administrator, continuation of the secondary employment agreement with the secondary employer is not in the best interest of the City of Highland Park or its police department.**

**8) Suspension or revocation of approval of secondary employment agreement; procedure; finality of decision by administrator.**

**a) Where it appears that grounds exist for the administrator to suspend or revoke an existing secondary employment agreement with a secondary employer, the administrator shall send a written notification to the secondary employer with the specified reason or reasons for the suspension or revocation of the secondary employment agreement.**

**b) The secondary employer shall be given ten (10) days from the date of mailing of the notice of suspension or revocation to provide information to the administrator to support the continuation of the secondary employment agreement.**

**c) After review of the information submitted concerning the notice of suspension or revocation, the administrator shall make a recommendation to suspend, revoke or continue the secondary employment agreement.**

**d) The decision of the administrator is final.**

**(9) Requests by police officers for secondary employment; procedure, expiration of requests, rates of compensation.**

**a) A police officer who is interested in working secondary employment shall apply by completing a Secondary Employment request in writing. The request shall be submitted to the police officer's immediate supervisor.**

**b) The final decision on the suitability of any police officer's secondary employment assignment is within the purview of the Chief of Police, or his or her designee.**

c) The rate of compensation for a police officer engaged in the performance of any approved uniformed or non-uniformed security, patrol, private investigation or surveillance, traffic control, personal-security service, or other law-enforcement or security-related services, secondary employment under this division shall be at the police officer's highest established hourly rate for his or her rank.

(10) Recall of police officers from active secondary employment work assignment. The primary duty of police officers working secondary employment assignments shall be to protect life and property, to keep the peace, and to enforce City ordinances, and state and where applicable, federal law. Accordingly, as determined by the Chief of Police, or his or her designee, participating police officers may be recalled immediately from a secondary employment work assignment to an on duty status. Any recall shall not be considered a suspension or revocation of an existing secondary employment agreement, but a permitted condition under the secondary employment agreement.

**SECTION 2. Repeals.** All ordinances inconsistent with the provision of this ordinance are hereby repealed.

**SECTION 3. Savings Clause.** In the event that provisions of this ordinance are struck down or found unconditional, the remaining provisions shall remain in effect.

**SECTION 4.** This ordinance shall go into effect upon publication and or posting as provided in the City Charter.

**Council President Woodard stated: "THIS SHALL BE KNOWN AS THE FIRST READING OF THE ORDINANCE.**

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**CITY CLERK:**

20 The following resolution was received from the City Clerk.

Moved by Councilmember McClary  
Supported by Council Pro Tem Lewis

**WHEREAS, the City of Highland Park wishes to apply to the Secretary of State for a grant to implement the Electronic Poll Book Program for obtaining the laptop computer (and related accessories) that will be provided using Federal Help America Vote Act Funds;**

**WHEREAS, in return the Bureau of Elections would agree to pay 50% of the voting system extended warranty fees. If the city opts not to implement the extended warranty the vendor will bill 100% of the cost.**



**WHEREAS, it would be in the best interest for the city to implement the voting system extended warranty fees;**

**NOW, THEREFORE BE IT RESOLVED that the Highland Park City Clerk is authorized to submit this grant application on behalf of the City of Highland Park, Wayne County on this 5<sup>th</sup> day of March, 2012. Yeas (5), Nays (0), Absent (0).**

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**ADMINISTRATION:**

**21 The following resolution was received from the Administration.**

**Resolution to Lease Use of Facility to Neighborhood Stabilization Program (NSP)**

**WHEREAS, the City of Highland Park, with the power vested in the City Council to negotiate and enter into agreements for the usage of property owned by the City of Highland Park; and**

**WHEREAS, the facility commonly known as City Hall, 12050 Woodward Avenue, is a property that is owned by the City of Highland Park and controlled by City Council; and**

**WHEREAS, the Neighborhood Stabilization Program (NSP), henceforth referred to as the "Program", has used this facility in order to carry out its duties and functions in its service in the environs of the City of Highland Park; and**

**WHEREAS, FOR THE USAGE OF THIS FACILITY, City Hall, the Program intends to utilize a portion of its budget designated as administration costs and expenses; and**

**WHEREAS, a specific fee for the usage of the facility and the ancillary items therein, i.e., copying, faxing, telephone, etc., has been negotiated per the proposed agreement attached hereto (See Attachment);**

**WHEREAS, the Administration seeks the approval of City Council to negotiate and enter into said agreement which shall inure a benefit to the City's general fund; NOW**

**THEREFORE, the Highland Park City Council hereby accepts the recommendation of the Mayor and his Administration and hereby resolves to permit the Mayor to enter into an agreement for the usage of City Hall by the Neighborhood Stabilization Program. Yeas (5), Nays (0), Absent (0).**

22     **The following resolution was received from Administration.**

**City of Highland Park Fair Housing Resolution**

**Moved by Councilmember McClary  
Supported by Council Pro Tem Lewis**

**WHEREAS, UNDER THE Federal Fair Housing Law, Title VII of the Civil Rights Act of 1968, it is illegal to deny housing to any person because of race, color, religion, gender, physical or mental disabilities or national origin; and**

**WHEREAS, under the Michigan Elliott-Larsen Civil Rights Act, PA 43 of 1976, as amended, it is illegal to deny the opportunity to obtain housing to any person because of religion, race, color, national origin, age, sex, height, weight, familial status, or marital status;**

**LET IT BE KNOWN TO ALL PERSONS that is the policy of the City of Highland Park, Michigan to implement programs to ensure equal opportunity in housing for all persons, regardless of religion, race, color, national origin, age, sex, height, weight, familial status or marital status.**

**THEREFORE, the City of Highland Park does hereby pass the following resolution:**

**The City of Highland Park will assist all persons who feel they have been discriminated against because of religion, race, color, gender, physical or mental disabilities, national origin, age, height, weight, familial status, or marital status to seek equity under federal and state laws by providing information to said persons on how to file a complaint with the Michigan Department of Civil Rights.**

**The City of Highland Park will re-create and implement an Affirmative Fair Housing Marketing Plan and will post this policy and posters, and other information in public spaces, on flyers, its web site and other venues which will bring the attention of owners of real estate, developers and builders their respective responsibilities and rights under the Federal Fair Housing Law and Michigan Elliott Larsen Act. Yeas (5), Nays (0), Absent (0).**

**OUTSIDE COMMUNICATION:**

23     **The following communication was received from Robert A. Ficano, County Executive.**

**Re: County Sponsored Household Hazardous Waste Collection.**

**Wayne County Department of Public Service's Land Resource Management Division (LRMD) is pleased to announce the scheduled countywide Household Hazardous Waste (HHW) collections for this 2012.**

**The HHW collections run from 8:00 a.m. to 2:00 p.m. and are scheduled for:**

**. Saturday, April 14, 2012 at Romulus Civic Center located at 11111 Wayne Road in Romulus.**

**. Saturday, June 23, 2012 at Henry Ford Community College located at 5101 Evergreen Road, Dearborn**

**. Saturday, August 25, 2012 at Westland Shopping Center located on Warren Road and Nankin Blvd. in Westland: &**

**. Saturday, October 13, 2012 at Southland Shopping Center located at 23000 Eureka Road in Taylor.**

**These collections are open to Wayne County residents only. Please help us, as always, to make them successful by spreading the word within your community. Feel free to make copies of the enclosed flyers for distribution. An announcement that you may consider using for your community newsletter and/or cable access program is also enclosed. Please contact LRMD at 734-326-3936 if you have any questions. Thank You!**

**The above communication was order received and file.**

**ADJOURNMENT:**

**Moved by Council Pro Tem Lewis  
Supported Councilmember Moore**

**To adjourn this meeting at 9:35 p.m. motion carried.**

## CERTIFICATE

I, hereby certify that the attached is a true copy of the proposed minutes of the Regular Meeting held on the 5<sup>th</sup> day of March 2012 and that said proposed minutes are available for public inspections at the address designated on the posted public notice.



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**Brenda J. Green**  
City Clerk