

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

JUNE 21, 2021

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

Present: Council Pro Tem Patrick remotely from Highland Park, MI; Councilmember Jackson remotely from Highland Park, MI; 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.

APPROVAL OF AGENDA

Moved by Councilmember Armstrong
Supported by Councilmember Jackson

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

APPROVAL OF MINUTES

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

To approve the minutes of the Virtual Public Hearing and Special Meeting held May 17, 2021. Yeas (5), Nays (0), Absent (0).

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Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

To approve the minutes of the Virtual Regular meeting held June 7, 2021. Yeas (5), Nays (0), Absent (0).

VETO
06-21-21 V

The following communication was received from Mayor Yopp.

Pursuant to **Section 6-3** of the City Charter, this letter is being submitted to veto the above resolution. On June 17, 2021, City Council passed a Resolution Declaring a Vote of "No Confidence" for the Highland Park City Attorney Terry Ford. I have had an opportunity to review the allegations set forth in the resolution and find them to be categorically untrue. There were several allegations set forth in the resolution, which I will address individually:

Orchestrating a Lawsuit against the Highland Park City Council

This allegation stems from the issues surrounding the Revised City Charter. The lawsuit was filed by Allen Brothers on behalf of three members of the Highland Park City Charter Commission against the City of Highland Park. To avoid a conflict of interest, the City was represented by the law firm of Giarmarco, Mullins & Horton P.C. and the City Council hired Herbert Sanders as outside counsel. The City Attorney warned City Council that they were wrong in the position that they were taking and, after receiving opinions from Attorney Sam McCargo and the State Attorney General's Office, the City Attorney was confident that the Charter was legally sufficient and should have been placed on the ballot. Later, the Wayne County Circuit Court agreed. The Revised Charter was subsequently adopted by the citizens of Highland Park on May 7, 2019.

Wrongly Advising a City Council Member's Candidacy to Intentionally Have Him Removed from the Ballot

This is an attempt by Council to distort the truth. All acts were done to protect the candidates. Due to the fact that there was litigation that caused a delay in passing the Revised City Charter, there were inconsistent interpretations of the impact upon elections for City Council "At Large" and "District" seats. To gain a better understanding, the City Attorney consulted with the City Clerk, the Office of the Wayne County Clerk, and the Director of Elections. There was still some confusion as to whether candidates' names could appear on the August ballots for the "at-large" seats and then as "write-in" candidates for the district seats on the November ballot. Due to the uncertainty, the City Attorney sought an outside opinion from Giarmarco, Mullins & Horton P.C., which the City Attorney relied upon. He informed Kendrick Bates that he would not qualify as a "write-in" candidate for the November ballot. Unless he took corrective action. The opinion of Giarmarco Mullins was subsequently determined to be incorrect. The Michigan Elections Commission issued a statement declaring that Mr. Bates was eligible. The City Attorney explained his reliance upon the Giarmarco opinion to Councilman Bates. Bates requested an apology, which the City Attorney gave as a gesture to put the matter to rest, although he had done nothing wrong. Bates appeared to have accepted the City Attorney's apology and nothing else was expressed regarding this issue until being addressed in this resolution. It was never the City Attorney's intention, nor was there any attempt by the City Attorney, to remove Mr. Bates from the ballot, nor did his letter state this. His concern was having a legal ballot that contained all qualified candidates.

Not Providing City Council Legal Updates and the status of Current/Pending Litigation against the City of Highland Park.

This is another falsehood. Prior to the pandemic, the City Council was given updates in closed session. Due to the fact that the virtual platform is not secure for closed sessions, the Legal Department has not met with Council since the pandemic. However, Council was encouraged to call or email their questions and concerns. More importantly, Council has always been provided with updates upon request and there have been no recent request made. The last update was provided on December 21, 2020, and we plan to submit another Litigation Report by the end of the month.

Requiring that City Council's Actions Be Approved by the City Attorney Prior to any City Council Vote.

The City Council speaks through its written ordinances and resolutions. Under Charter Section 7-5(6), the Legal Department has the duty to "prepare or review all contracts, ordinances, bonds and other written instruments which are submitted by City Council or by the officers and boards of a legal nature or relating to the affairs of the City." Resolutions are not laws but may have the effect of law or relate to the affairs of the City and thus warrant review by the City Attorney. According to Chapter 7: Local Ordinances, of the Michigan Municipal League Handbook, ordinances and resolutions must be consistent with Federal and State constitutions and general laws of the United States. The City Attorney does not vote to approve the resolution but must give legal review and approval prior to the submission of the resolution for City Council to vote. Therefore, reviewing resolutions is not to supervise Council actions, but to protect the City.

Allowing the Execution of a Contract between the City of Highland Park and Ajax Paving, Inc. that has not been Approved by City Council.

This claim is not true. Under Charter Section 7-3(15), the Mayor has the duty to manage and control all City property. I have properly exercised that power over the DPW Yard. It is not the responsibility of the City Attorney to provide documents to City Council or to order the Mayor to provide documents to City Council. It is my understanding that the City Attorney invited two City Council members to his office to review the documents and discuss the DPW Yard on more than one occasion, but they declined. Currently, sensitive litigation is ongoing.

Verbally Threatened the City Council by Instructing his Assistant to Prepare "Arrest Warrants" for the Highland Park City Council as Revenge Against City Council for Executing Budget Amendments.

This complaint is denied. On May 17, 2021, Council did effectively amend the budget for the Legal Department to zero and, by doing so, it was no longer a representation of the Mayor's Budget. While Council has a right to amend the budget, case law prohibits them from eliminating or destroying City Departments. Without the Legal Department, the City would be placed in legal jeopardy. Council's unilateral decision to eliminate the budget for the Ford Law Firm completely disregards our duty to protect the City and could halt some government operations. The impact of this action adversely affects the executive, legislative, and judicial

branches of government and the Legal Department's ability to fulfill its obligations under the Charter.

While the City Attorney's assistant was instructed to obtain copies of warrant applications, no specific person or subject was identified. Issuing warrants was considered long before May 17, 2021, and is not based on revenge. The past and present City Council have repeatedly disregarded the Charter by violating the Open Meetings Act, improperly adopting ordinances, and walking on resolutions without being reviewed by the Legal Department. Even the resolution in question was not reviewed by the Legal Department although it was purportedly submitted by Councilman Patrick after the Council Meeting on May 17th which was three weeks earlier. Councilwoman Deblon Jackson also expressed that she had not received a copy, did not discuss the issues raised

Conclusion

Section 7-1 of the City Charter exclusively vests the administrative and executive powers of the City with the Mayor. Therefore, I have the authority under Charter Sections 7-2 and 7-5 to appoint the City Attorney and find no basis for his removal. Terry Ford was selected because of his knowledge, skills and experience and I continue to be confident in his ability to manage the legal affairs for our City. The Ford Law Firm is under contract now and will continue to represent the Mayor, City Council, and this City until my term ends in 2022.

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

To override the veto. Yeas (4), Nays (1) Councilmember Jackson, Absent (0).

TABLED
06-21-21 VI a

The following resolution was tabled on June 7, 2021.

RESOLUTION TO PRESENT POTENTIAL PROJECTS TO SENATOR STABENOW FOR 2022 FY BUDGET ALLOCATION EARMARKS

Moved by Councilmember Bates
Supported by Council Pro Tem Patrick

To bring back from the table. Yeas (5), Nays (0), Absent (0).

Moved by Councilmember Bates
Supported by Council Pro Tem Patrick

WHEREAS, on 5/19/21 the City participated in a call with Senator Stabenow's Office to discuss potential projects for 2022 FY budget allocation earmarks; and

WHEREAS, on this call, Senator Stabenow's District Manager discussed details of potential funding opportunities; and

WHEREAS, the City was invited to submit preliminary projects by May 24th, complete written applications by June 4th, and

WHEREAS, projects were presented for: 1) a water leakage project, 2) police training and equipment, and 3) improvements to the Recreation Center (physical improvements, computers, walking track).

NOW, THEREFORE, BE IT RESOLVED, that the City approves the application that was submitted to Senator Stabenow's Office enabling Highland Park to meet the June 4th deadline. Yeas (5), Nays (0), Absent (0).

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06-21-21 VI b

The following resolution was tabled on June 7, 2021.

RESOLUTION TO SELL THE VACANT RESIDENTIAL SIDE LOT AT 241 FORD TO THE ADJACENT PROPERTY OWNER AT 237 FORD

Moved by Council Pro Tem Patrick
Supported by Councilmember Jackson

To bring back from the table. Yeas (5), Nays (0), Absent (0).

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

WHEREAS, The City of Highland Park holds in its inventory a surplus of City- owned parcels that are not producing a taxable, habitable and general benefit to the City and its residents; and

WHEREAS, it is the goal of the City to decrease the number of city-owned parcels and return them to productive use; and

WHEREAS, the City of Highland Park is the owner of the vacant side lot at 241 Ford, (vacant lot adjacent to resident's home); and

WHEREAS, upon the payment of all fees have been previously paid, and required clearances obtained from the Water Department, Treasurer, City Engineer, CED and Legal Departments are signed off and ready to purchase; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council approves the sale of the vacant lot located in Highland Park, MI at the cost of \$500. Yeas (5), Nays (0), Absent (0).

06-21-21 VI c

The following resolution was tabled on June 7, 2021.

**RESOLUTION TO SELL THE VACANT RESIDENTIAL SIDE LOT AT 194
TENNYSON TO THE ADJACENT PROPERTY OWNER AT 190
TENNYSON**

Moved by Councilor Pro Tem Patrick
Supported by Councilmember Jackson

To bring back from the table. Yeas (5), Nays (0), Absent (0).

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

WHEREAS, The City of Highland Park holds in its inventory a surplus of City- owned parcels that are not producing a taxable, habitable and general benefit to the City and its residents; and

WHEREAS, it is the goal of the City to decrease the number of city-owned parcels and return them to productive use; and

WHEREAS, the City of Highland Park is the owner of the vacant side lot at 194 Tennyson, (vacant lot adjacent to resident's home); and

WHEREAS, upon the payment of all fees have been previously paid, and required clearances obtained from the Water Department, Treasurer, City Engineer, CED and Legal Departments are signed off and ready to purchase; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council approves the sale of the vacant lot located in Highland Park, MI at the cost of \$500. Yeas (5), Nays (0), Absent (0).

**MAYOR
06-21-21 VII**

The following resolution was submitted for approval.

**RESOLUTION TO RENEW THE CONTRACT OF THE FORD LAW FIRM AS CITY
ATTORNEY FOR THE CITY OF HIGHLAND PARK**

Moved by Councilmember Jackson

** Item dies, lack of support **

**CITY CLERK
06-21-21 VIII**

The Clerk submitted an application for a fireworks license from Yellow Box Fireworks to be located at 14100 Woodward, June 16 – July 7, 2021.

Moved by Councilmember Armstrong

**** Item dies, lack of support ****

**FINANCE
06-21-21 IX a**

The following resolution was submitted for approval.

RESOLUTION AUTHORIZING THE TAX RATES FOR 2021

Moved by Councilmember Bates
Supported by Council Pro Tem Patrick

BE IT RESOLVED, the City of Highland Park shall cause to be levied and collected the general property tax on all real and personal property within the City on the 2021 tax roll an allocated millage of 19.3703 mills for general operations, 2.9055 for rubbish, 21.8667 for pension judgment (summer 12.7556 and winter 9.1111), 3.2586 for Bond Judgment and 0.0858 for an Emergency Loan (millage rates can change subject to Headlee and debt schedules). Yeas (5), Nays (0), Absent (0).

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06-21-21 IX b

The following resolution was submitted for approval.

**RESOLUTION TO AMEND THE OPERATING BUDGET AS PRESENTED BY THE
FINANCE DEPARTMENT AND MAYOR HUBERT YOPP FOR THE FISCAL
YEAR 2020-2021**

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

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, the Finance Department has reviewed the current fund expenditures for the year ending June 30, 2021 and would like to submit to the Highland Park City Council

proposed budget amendments;

NOW, THEREFORE, BE IT RESOLVED that the Highland Park City Council adopts the amended General Fund and other fund budgets as presented by the finance department and Mayor Hubert Yopp.

BE IT FINALLY RESOLVED that a copy of this resolution becomes a part of the official records of the City of Highland Park. Yeas (5), Nays (0), Absent (0).

TREASURER
06-21-21 X

An assessment contract from WCA Assessing was submitted for approval.

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

To approve the contract with WCA Assessing to plan, administer and provide overall supervision of property appraisal programs for assessment purposes of all real and personal property on an annual basis. Yeas (5), Nays (0), Absent (0).

WATER
06-21-21 XI a

The following resolution was submitted for approval.

**A RESOLUTION AUTHORIZING THE CITY OF HIGHLAND PARK TO REQUEST
A PROPOSAL FOR PROFESSIONAL SERVICES FROM KHAFRA OPERATION
SERVICES FOR A FEASIBILITY STUDY, PLANNING, AND ENGINEERING
DESIGN OF THE HIGHLAND PARK WATER TREATMENT PLANT**

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

WHEREAS, The City of Highland Park On April 25, 2012, the DEQ issued a Director's Order to the City to address violations of the Safe Drinking Water Act (SDWA); and

WHEREAS, The City of Highland Park In November 2012 the City began work on repairs to the water treatment plant clarifiers as required in the Director's Order, however the MDEQ, now EGLE, ordered the Detroit Water and Sewerage Department (DWSD) provide temporary emergency water to the City for a few days so the water plant could be shut down and repairs made; and

WHEREAS, Funds were not available, thus the repairs at the water treatment plant were unable to be completed, therefore the City continued to receive temporary emergency water from DWSD (now the Great Lakes Water Authority (GLWA)); and

WHEREAS, The City of Highland Park, in a letter dated May 28, 2013, the MDEQ, now EGLE agreed to hold deadlines pertaining to the water treatment plant in abeyance as long as the City was receiving water from DWSD (GLWA); and

WHEREAS, The letter stressed the need to address items in the Director's Order related to the distribution system since the distribution system will be utilized regardless of whether the City restores the water treatment plant or continues to receive water from GLWA. The letter requested the City submit a schedule for completion of items pertaining to the distribution system from the Director's Order; and

WHEREAS, The City of Highland Park was further notified on April 11th 2016 by the MDEQ, now EGLE, with a Significant Deficiency Violation Notice indicating the City of Highland Park was in violation of the SDWA; and

WHEREAS, The City of Highland Park was notified on November 10th 2016 of the MDEQ's requirement to execute the Office of Drinking Water and Municipal Assistance's Administrative Consent Order (ACO); and

WHEREAS, as a result of exceeding the lead Action Level (AL) the City of Highland Park is required under the administrative rules promulgated under the SDWA to meet additional requirements including water quality parameter monitoring, source water monitoring, corrosion control treatment, and public education, as well as being mandated to replace a higher percentage of lead service lines; and

WHEREAS, the City Council has reviewed and approved the FY2019 to FY2024 Drinking Water State Revolving Fund (DWSRF) Project Plan Application as submitted to EGLE requesting funds for the replacement of water main and lead service lines throughout the city; and

WHEREAS, the City of Highland Park Water Department will now begin the vital research, planning, and preparation tasks for the FY2024 to FY2028 DWSRF Project Plan Application tentatively scheduled to be submitted to EGLE in calendar year 2022, for the continued replacement of water main and lead service lines per the ACO; and

WHEREAS, it is the intent of the Water Department Director to also include in the FY2024 to FY2028 DWSRF Project Plan funding request the rehabilitation and replacement of the Highland Park Water Treatment Plant; and

WHEREAS, it is the intent of the Water Department Director that, as funds are awarded by the State of Michigan Department of Treasury, to continue construction activity related to the replacement of water main and lead service lines to address items required by the ACO along

with construction of a new water treatment plant, as approved by EGLE; and

BE IT RESOLVED, that the Highland Park City Council APPROVES the City of Highland Park's request to seek a proposal from KHAFRA Operation Services for the feasibility, planning, and engineering design of the Highland Park Water Treatment Plant for purposes of entering into a performance-based contract. Yeas (5), Nays (0), Absent (0).

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06-21-21 XI b

The following resolution was submitted for approval.

A RESOLUTION TO AUTHORIZE THE AMENDMENT FY2021 WATER DEPARTMENT BUDGET AS REQUESTED BY THE WATER DEPARTMENT DIRECTOR

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

WHEREAS, pursuant to chapter 1040.17 and 1042.01 of the City Code of Ordinances, it is the responsibility of the City of Highland Park to establish water and sewer rates; and

WHEREAS, the City Council has received and reviewed the Water Department Director's budget amendment for FY2021; and

WHEREAS, the Highland Park City Council previously approved the FY21 Water Department Budget and Rates; and

WHEREAS, the City of Highland Park is recommended to follow the 1983/1996 Agreement between the City of Detroit (DWSD), Chrysler, and City of Highland Park for payments made to the Great Lakes Water Authority (GLWA); and

BE IT RESOLVED, the City of Highland Park City Council shall authorize the amendment of the FY2021 Water Department's budget to be in agreement with the 1983/1996 Agreement between the City of Detroit (DWSD), Chrysler, and City of Highland Park for payments made to the GLWA. Yeas (5), Nays (0), Absent (0).

ADJOURNMENT

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

To adjourn the meeting, motion carried, meeting adjourned at 8:05 p.m.

CERTIFICATE

I hereby certify that the attached is a copy of the proposed minutes of the Virtual Regular Meeting held the 21st day of June 2021 and that said minutes are available for public inspection at the address designated on the posted public notice.

A handwritten signature in blue ink, consisting of a series of loops and flourishes, positioned above the printed name.

Cidia Wicker-Brown, Deputy City Clerk