

MINUTES OF THE REGULAR MEETING OF THE HIGHLAND PARK CITY COUNCIL

August 12, 2019

Council convened at 7:15 p.m. with Council President Patrick presiding.

Present: Councilmember Woodard, Councilmember Lewis, Councilmember Bates and Council President Patrick. (4).

Absent: Council Pro Tem McDonald (1) (excused)

A quorum being present, Council was declared in session.

APPROVAL OF AGENDA

Moved by Councilmember Lewis

Supported by Councilmember Woodard

To approve the agenda with the following addition of a resolution requiring Mayor Yopp follow the law and abide by Ordinance 50;1959 Code Section 2-102 of the City of Highland Park, Mi. Yeas (4), Nays (0), Absent (1)

APPROVAL OF MINUTES:

Moved by Councilmember Woodard

Supported by Councilmember Bates

Approve Special Workshop Meeting minutes from July 9 2019. Yeas (4), Nays (0), Absent (1).

Moved by Councilmember Bates

Supported by Councilmember Woodard

Approve Workshop & Regular Meeting minutes from July 15, 2019. Yeas (4), Nays (0), Absent (1).

Moved by Councilmember Woodard

Supported by Councilmember Bates

Approve Special Meeting minutes from July 18, 2019. Yeas (4), Nays (0), Absent (1).

30th DISTRICT COURT:

8-12-19- V.

RESOLUTION TO COMPLY WITH MICHIGAN INDIGENT DEFENSE COMMISSION ACT OF 201

**Moved by Councilmember Bates
Supported by Councilmember Lewis**

WHEREAS, in the February 18, 2019 Highland Park City Council meeting the City authorized the appropriate City Officials to comply with the Michigan Indigent Defense Commission Act of 201; and

WHEREAS, the Court applied for and the state approved a grant for \$26,670 in construction and ancillary costs for the attorney/client confidential spaces in the court house and the jail (\$17,170 for tow spaces in the courthouse and \$9,500 for a space in the jail); and

WHEREAS, the City is in the process of transferring all prisoners to the Wayne County Jail and therefore will not require \$9,500 to construct a confidential space in the jail; and

WHEREAS, a RFQ was placed on Bid Net and no bids were received; and

WHEREAS, prior to the issuance of the RFQ, the Court solicited a contractor and received a bid of \$26,670 from ECM; and

NOW, THEREFORE, BE IT RESOLVED by the City Highland Park that the City is authorized to issue a contract to ECM in the amount of \$17,170 plus up to \$850 in ancillary costs (panic buttons, etc.) in order to be in compliance with the Michigan Indigent Defense Commission Act of 201 (this excludes \$9,500 for the jail).

**NOTE: Costs for this project are covered under the State Grant.
Yeas (4), Nays (0), Absent (1).**

CITY ADMINISTRATOR:

8-12-19- VI.

**RESOLUTION TO APPROVE THE REVISED WAIVER AND PLAN FOR THE GENERAL EMPLOYEES
RETIREMENT PLAN, THE POLICEMEN AND FIREMEN RETIREMENT SYSTEM AND THE PUBLIC SAFETY
RETIREMENT PLAN IN ACCORDANCE WITH PUBLIC ACT 202 OF 2017**

**Moved by Councilmember Bates
Supported by Councilmember Lewis**

WHEREAS, the City of Highland Park General Employees Retirement Plan, the Policemen and Firemen Retirement System and the Public Safety Retirement Plan are single-employer defined benefit pension plans; and

WHEREAS, these defined benefit pension plans are less than 60% funded and the actuarially determined contribution for all of the defined benefit pension retirement systems of the City of Highland Park is greater than 10% of City's annual governmental fund revenues, and

WHEREAS, under the provisions of Public Act 202 of 2017, the City of Highland Park required to file an application for a waiver and plan for their defined benefit pension retirement systems to show their plan to address its underfunded status, and now therefore,

BE IT FINALLY RESOLVED, that the Highland Park City Council hereby approves the Revised Application for Waiver and Plan; Defined Benefit Pension Retirement Systems for the General Employees Retirement Plan, the Policemen and Firemen Retirement Systems, and the Public Safety Retirement Plan. Yeas (4), Nays (0), Absent (1).

CITY CLERK:

08-12-19-VII-a

**Moved by Councilmember Woodard
Supported by Councilmember Lewis**

Whereas, on May 7, 2019 the electors of the City of Highland Park voted and passed a revised charter.

Whereas the charter required that the City Council members be elected to office of 2 At-Large and three (3) Districts Councilmembers.

Whereas, those changes would have created several precinct splits throughout the city and would have cost the city more money for the printing of additional ballots. The following precinct boundary changes have been instituted by the Election Commission at their meeting held August 9, 2019 effective with the November 5, 2019 General Election to reduce the financial burden that would have been be place on the city. The polling location at 13100 Woodward has been eliminated. (See chart below and attachments)

PRECINCT	COUNCIL DISTRICT	POLLING LOCATION
1	1	Downes Manor- 13725 John R
2	1	Robert B. Blackwell Municipal Complex 12050 Woodward Ave.
3	2	Ernest T. Ford Field House (Rec Ctr.)
4	2	Ernest T. Ford Field House (Rec Ctr.)
5	3	Faith Tabernacle Church 16548 Hamilton
6	3	Healing Spring Baptist Church 12647 Hamilton at Leslie

Now therefore be it resolved that the recommendation of precinct polling changes be approved. Yeas (4), Nays (0), Absent (1)

08-12-19- VII-b

The Clerk submitted the Park Rental application from Bethel Friendship Baptist Church to use Mulford Park on August 27th, 29th & 31st for a Youth Revival.

Moved by Councilmember Bates
Supported by Councilmember Lewis

To approve the Park Rental application from Bethel Friendship Baptist Church to use Mulford Park on August 27th, August 29th and August 31st 2019 for a Youth Revival. Yeas (4), Nays (0), Absent (1).

DEPARTMENT OF ENGINEERING:

08-12-19-VIII

RESOLUTION AUTHORIZING THE ACCEPTANCE OF FEDERAL AID FUNDING FROM WAYNE COUNTY FEDERAL AID COMMITTEE FOR FY2022 STP-U ROAD REPAIR FOR OAKLAND AVENUE WITHIN THE CITY OF HIGHLAND PARK

Moved by Councilmember Woodard
Supported by Councilmember Bates

WHEREAS, the Engineering Department applied for a grant from the Wayne County Federal Aid Committee in April of 2019 for road repair within the City of Highland Park; and

WHEREAS, the Engineering Department received a notice of selection for funding for road repair from the Wayne County Federal Aid Committee for Oakland Avenue south of Davison Freeway within the City of Highland Park; and

WHEREAS, as part of the selection the City of Highland Park will be able to receive 80% federal aid funding totaling \$1.2 Million with a 20% local match totaling \$300,000 for the repair of Oakland Avenue south of Davison Freeway; and

WHEREAS, the project includes milling and overlaying the existing road, repairing sidewalks and ADA ramps, replacing street signs, and placing new striping on Oakland Avenue, south of Davison Freeway, within the City of Highland Park; and

WHEREAS, the City of Highland Park is required to prepare and submit final plans to the Michigan Department of Transportation (MDOT) for obligation by February 1st, 2022 and proof of 20% local match totaling \$300,000. If funding cannot be matched, a race period of one month will be provided to the city. Thereafter, the funding may be reallocated to alternate city projects; and

WHEREAS, the Engineering Department, if approved, plans to begin engineering design of the road repair during the Fall of 2019, and produce construction ready documents in the Spring and Summer of 200, with the objective of coordinating with other scheduled city construction projects in the area; and

BE IT RESOLVED, that the Highland Park City Council APPROVES the acceptance of the Wayne County Federal Aid Committee FY2022 STP-U Funding with local match for Oakland Avenue road repair and will comply with its terms. Yeas (4), Nays (0), Absent (1).

FIRE DEPARTMENT:

08-12-19-IX

RESOLUTION TO PAY INVOICE FOR FIRE TRUCK REPAIR

**Moved by Councilmember Lewis
Supported by Councilmember Bates**

WHEREAS, the City of Highland Park Fire Department's Fire Engine was in dire need of numerous repairs and replacements in order for it to continue operating effectively; and

WHEREAS, R & R Fire Truck Repair performed the needed repairs and, as a result, the fire engine has been restored to good working condition; and

WHEREAS, R & R Fire Truck Repair has submitted its invoice for \$4,536.85 for the work performed, which amount is available in the Fire Department's budget;

NOW, THEREFORE, BE IT RESOLVED, that City Council approves the payment of the R & R Fire Truck Repair invoice for \$4,536.85. Yeas (4), Nays (0), Absent (1).

DEPARTMENT OF PUBLIC SERVICE:

08-12-19-X

RESOLUTION TO ACCEPT DONATION OF CATERPILLAR MODEL 916 WHEEL LOADER FROM MID-MICHIGAN CRUSHING AND RECYCLING

**Moved by Councilmember Bates
Supported by Councilmember Lewis**

WHEREAS, the appearance of the City is vital to the health, safety and well-being of the residents of Highland Park and the public at large; and

WHEREAS, the Department of Public Works currently rents a heavy duty wheel loader at a cost of \$8,300/month to maintain streets and alleyways and enhance the appearance of the City; and

WHEREAS, Vaughn Smith, owner of Mid-Michigan Crushing and Recycling, LLC, a Highland Park business, worked with DPW Director to find ways to participate in the revitalization of the City and, as a result, offered to donate a Caterpillar, Model 916 Wheel Loader, Machine #908031; and

WHEREAS, the equipment is being offered without expectation of any goods, services or financial consideration to be provided by the City in exchange for this donation; and

WHEREAS, by accepting this donation, the City would save approximately \$99,600/year in rental fees for similar equipment; and

NOW, THEREFORE, BE IT RESOLVED, THAT THE City approves the donation of a Caterpillar Model 916 Wheel Loader from Mid-Michigan Crushing & Recycling, LLC, 14411 Oakland Avenue, Highland Park, MI 48203. Yeas (4), Nays (0), Absent (1).

COUNCIL AFFAIRS:

08-12-19-XI-a

ORDER TO ADOPT VOTING DISTRICT MAP SUBMITTED BY PLAINTIFF AND TO ADOPT AN ORDINANCE THAT APPROVES THE NEW VOTING DISTRICTS AND MAP

**Moved by Councilmember Bates
Supported by Councilmember Lewis**

At a session of said Court, held in the City of Detroit, County of Wayne, State of Michigan on 8/2/2019 Timothy M. Kenny, Circuit Court Judge

WHEREAS, the plaintiff, Hubert Yopp, Mayor of the City of Highland Park, filed a verified complaint for issuance for a writ of mandamus, together with a motion for temporary restraining order and/or preliminary injunction to order the Highland Park City Council to adopt three city council districts as required by the revised charter;

WHEREAS, the city of Highland Park City Council has appeared and responded to the pleadings herein;

WHEREAS, a show cause hearing was held on July 19, 2019 and a second show cause hearing was held on July 26, 2019, whereas both parties submitted proposed voting district maps as contained in the exhibits submitted and accepted by the court;

IT IS HEREBY ORDERED for the reasons set forth on the record at the show cause hearing of July 26, 2019, the court does hereby grant plaintiff Hubert Yopp, Mayor of the City of Highland Park, a Motion for Temporary Restraining Order and/or Preliminary Injunction and does hereby grant a writ of mandamus directing the adoption of the voting districts maps submitted by the Plaintiff, Mayor Yopp (exhibit 1).

IT IS FURTHER ORDERED that the Defendant, City of Highland Park City Council, shall adopt the appropriate ordinance approving the voting districts and map as attached herein.

IT IS FURTHER ORDERED that this order and ruling having resolved all issues brought and asserted herein, this is a final order of the court, and the case is hereby dismissed. IT IS SO ORDERED Yeas (4), Nays (0), Absent (1).

08-12-19-XI-b

RESOLUTION REQUIRING THAT MAYOR HUBERT YOPP FOLLOW THE LAW AND ABIDE BY ORDINANCE 580; 1959 CODE SECTION 2-102 OF THE CITY OF HIGHLAND PARK, MI

**Moved by Councilmember Lewis
Supported by Councilmember Woodard**

WHEREAS, Ordinance #580; 1959 Code Section 2-102 clearly states: No person who is drawing a pension from the City shall at the same time, receive compensation by reason of employment in any City Department. However, no such person shall be employed or appointed unless such pensioner first executes and files a waiver of his or her pension payments during the period of his or her employment by the City; and

WHEREAS, Mayor Hubert Yopp has deemed the city “indigent” based upon its financial challenges, and

WHEREAS, Mayor Hubert Yopp has not filed such a waiver in accordance with the law of the City of Highland Park, and

WHEREAS, this violation of the law is also a violation of the newly Revised City Charter, Section 7-3 Duties of the Mayor, Item #2, See that all laws and Ordinances are enforced within the City,

NOW THEREFORE BE IT RESOLVED, that mayor Hubert Yopp has 30 days from today’s date (September 11th, 2019) to file the required waiver, based on law, of pension payments during the remainder of his time as an Administrator in the City of Highland Park, Proof of that filing needs to be provided to City Council. The Highland Park City Council reserves the right to revisit this issue at the next regularly scheduled City Council meeting post the 30-day period, (9 /16/19) to determine the next course of action if the waiver has not been filed. Yeas (4), Nays (0), Absent (1).

ADJOURNMENT:

**Moved by Councilmember Lewis
Supported by Councilmember Bates**

To adjourn the meeting; motion carried meeting adjourn at 8:45 p.m.