

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

**October 15, 2018**

**Council convened at 7:09 p.m. with Council President Patrick presiding.**

**Present: Council Pro Tem McDonald, Councilmember Woodard, Councilmember Lewis, Councilmember Marshall and Council President Patrick. (5).**

**Absent: None**

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

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**APPROVAL OF AGENDA**

**Moved by Council Pro Tem McDonald**

**Supported by Councilmember Lewis**

**To approve the agenda with the following additions**

**Resolution approving amended FY2018 Municipal Credit and Community Credit contract with Smart Transportation.**

**Resolution approving renewal of Municipal Credit and Community Credit contract with Smart Transportation.**

**A communication requesting use of the Fire Station on November 10, 2018.**

**Resolution to extend the 3<sup>rd</sup> party independent attorney contract with Herb Sanders law firm in the legal matter of the Highland Park Charter Commission, et al vs. City of Highland Park**

**Resolution to extend the 3<sup>rd</sup> party independent attorney contract with Adam Shakoor law firm in the legal matter of Highland Park City Council vs. Mayor Hubert Yopp. Yeas (5), Nays (0), Absent (0).**

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**APPROVAL OF MINUTES**

**Moved by Councilmember Lewis**

**Supported by Councilmember Marshall**

**To approve the minutes from the Workshop Meeting held October 1, 2018. Yeas (5), Nays (0), Absent (0).**

**Moved by Councilmember Lewis  
Supported by Councilmember Marshall**

**To approve the minutes from the Regular Meeting held October 1, 2018. Yeas (5), Nays (0), Absent (0).**

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**BID OPENING:**

**10--15-18**

**V.a The Clerk stated this was the place and time to open bids for Home Rehab program.**

**NO BIDS RECEIVED**

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**V.b The Clerk stated this was the place and time to open bids for Demolition of four (4) vacant structures.**

**12024 Woodward  
120 Farrand Park  
250 Moss  
386 Elmhurst**

**One (1) bid was received. Multi-Professional Services  
18603 Hartwell Street  
Detroit, MI 48235**

**Bid amount: \$64,000**

**Moved by Councilmember Woodward  
Supported by Councilmember Lewis**

**To refer this bid to CED for a report and recommendation. Yeas (5), Nays (0), Absent (0).**

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**MAYOR:**

**10-15-18**

**VI. a The following VETO was received.**

**Re: Veto of City Council's October 1, 2018, Action Regarding the Michigan Week Parade**

**On October 1, 2018, the Highland Park City Council voted to designate Mr. Spight and the Parker Alumni Association as the organization to coordinate the upcoming Michigan Week Parade. Pursuant to the Highland Park City Charter, Section 7-3 I am vetoing this action for the following reasons:**

**1. The Measure was Procedurally Defective. On the above date and time, Mr. Spight passed a document to Councilman Woodard and was allowed to speak about his organization's desire to sponsor and coordinate the Parade. This item was not properly placed on the Agenda but was a "walk on". Such action is prohibited unless certain conditions are met, and is in violation of Section 5-3(h), Meetings:**

**The Clerk shall prepare an agenda of business to be considered at each regular Council meeting, and, except when this rule is waived by the affirmative vote of three members of the Council, no item of business shall be placed on the agenda, unless notice thereof was filed in the office of the Clerk by noon on the third working day preceding each such meeting. The Council shall prescribe by rule the items of routine business which shall be placed on each agenda without the necessity of giving notice thereof of the Clerk.**

Thus, there was no notice and no official waiver of this requirement. Furthermore, the Law Department did not have an opportunity to review the proposal and make a recommendation regarding same.

**2. The Action was Illegal. The Charter is the most important document of our city. It defines the organization, powers, functions, and essential procedures of the city government. City Council arbitrarily and capriciously disregarded several charter provisions as noted herein.**

**3. Failure to Imitate as RFP. The immediate approval of Mr. Spight's group precluded participation by other interested parties. The RFP process would outline the specific requirements for the parade project and solicit bids from qualified individuals or organizations to complete the project. Cost estimates, skill sets, references, and reviews ensure transparency and provide a benchmark to determine a project's success. I am certain that Mr. Spight is passionate about the Parade; however, fundamental fairness is essential when considering contracts and proposals that directly impact our city.**

**4. No Procurement Oder. There was some indication that the expenses for the Parade would be covered by non-governmental organizations. While there may be substantial contributions, the sheer magnitude of this project will involve significant use of city resources. The Procurement Officer should have an opportunity to weigh in on the use of city goods and services and how to pay for these expenditures.**

**5. Inadequate Analysis and Evaluation of City Services. Housing a parade requires a coordinated effort between the designated organization and the administration. The Police and Fire departments and the Department of Public Works would all have a major role in the Parade, as stated in the following section of the Charter:**

**Section 7-9 Departments of Fire and Police.**

**(1) For the purpose of maintaining peace and order in the City and for protecting persons and property, both Police Department and a Fire Department shall be maintained.**

**Section 7-10 DPW.**

**(b) The Director of Public Works shall also have the following duties and powers:**

**(1) Plan, program and complete all public works activities as outlined in the Charter, ordinances or resolutions of the City.**

**\*\*\***

**© The Department of Public Works shall have general responsibility for the following functions:**

**Construction and maintenance of streets, alleys, sidewalks, public ways and buildings, parks, curb strips, trees, shrubs and public grounds; motor, mechanical and general service; City engineering; traffic engineering;**

**These are critical services that are required for a city parade. Yet, none of the referenced departments has had an opportunity to evaluate the proposal. In addition, these departments would have to work within guidelines or parameters set forth by the Michigan Department of Transportation (MDOT)**

**6. Bond and Insurance. Large crowds not only involve additional department personnel but concern issues regarding the liability of the City. It is imperative that these questions be addressed before any proposal is considered Section 7-5 of the Charter also requires that any bonds or contracts be reviewed by the Law Department.**

**This veto in no way minimizes the need to have a parade nor my support for this celebration. However, it is our responsibility as servants of this great city to assure the citizens that we are acting in their best interests and not wasting taxpayer dollars. Therefore, I suggest that Council reconsider its position and allow the appropriate departments in the Administration to determine the efficacy of what was proposed.**

**Moved by Councilmember Lewis**

**Supported by Council Pro Tem McDonald**

**To OVERRIDE the mayor's VETO. Yeas (5), Nays (0), Absent (0).**

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**10-15-18**

**VI-b The following resolution was submitted by the Mayor.**

**RESOLUTION APPROVING AMENDED FY2018 MUNICIPAL CREDIT AND COMMUNITY CREDIT CONTRACT WITH SMART TRANSPORTATION**

**Moved by Council Pro Tem McDonald  
Supported by Councilmember Woodard**

**WHEREAS, SMART Transportation has provided transportation to and from designated destinations for Highland Park seniors and the disabled; and**

**WHEREAS, with the approval of the Public Transportation Millage in Macomb, Oakland and Wayne counties, SMART'S Community Credit Program funding has been increased by 15%**

**WHEREAS, additionally, the SMART Board of Directors provided a 7.5% increase to the FY2018 Community Credit Program, which will be available to fund the upcoming year's program and;**

**WHEREAS, the total amount of the Amended contract is \$1,824.00.**

**NOW THEREFORE BE IT RESOLVED that the City Council approve the amended Transportation Service Agreement and Municipal Credit and Community Credit contracts for FY2018 to continue SMART Transportation's services to the City's senior and disabled residents. Yeas (5), Nays (0), Absent (0).**

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**10-15-18**

**VI-c The following communication was submitted by the Mayor.**

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

**RESOLUTION APPROVING RENEWAL OF MUNICIPAL CREDIT AND COMMUNITY CREDIT CONTRACT  
WITH SMART TRANSPORTATION**

**WHEREAS, SMART Transportation has provided transportation to and from designated destinations for Highland Park seniors and the disabled and;**

**WHEREAS, the City of Highland Park desires to continue non-emergency transportation services for its senior and disabled residents; and**

**WHEREAS, as with the current and prior contracts, the City will use municipal and community credit funds made available to it by the Michigan Legislature, pursuant to Michigan Public Act 51 of 1951, to cover the \$41,387.00 cost for this service; and**

**WHEREAS, the current Transportation Service Agreement and Municipal Credit and Community Credit contracts expire on June 30, 2018.**

**NOW THEREFORE BE IT RESOLVED that the City Council approves the renewal of the Transportation Service Agreement and Municipal Credit and Community Credit contracts to continue SMART Transportation’s services to the City’s senior and disabled residents through June 30, 2019. Yeas (5), Nays (0), Absent (0).**

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**COMMUNITY DEVELOPMENT:**

**10-15-18**

**VII The following request was table from the October 1, 2018 meeting.**

**Request approval of a new on-premises Class C license to be located at 11745 Woodward Ave.**

**No action was taken item remain table.**

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**CITY ADMINISTRATOR:**

**10-15—18**

**VIII**

**Moved by Council Pro Tem McDonald  
Supported by Councilmember Woodard**

**RESOLUTION AUTHORIZING  
REDEMPTION AND AMENDMENT OF  
EMERGENCY LOAN NOTE (GENERAL OBLIGATION LIMITED TAX) 2013-14 SERIES I**

WHEREAS, the City of Highland Park, County of Wayne, State of Michigan (the “City”), a municipal corporation of the State of Michigan (the “State), has been duly created under the provisions of The Home Rule City Act, Act 279, Public Acts of Michigan, 1909, as amended (“Act 279”), pursuant to which the City has the comprehensive home rule power conferred upon it by Act 279 and the Constitution of the State of 1963 (the “Constitution”), subject only to the limitations on the exercise of that power contained in the Constitution, by statute of the State or by City Charter (the “City Charter”) provisions; and

WHEREAS, pursuant to the City Charter, the City may borrow money for any purpose within the scope of its powers, may issue bonds or other evidences of indebtedness therefor, and may when permitted by the Constitution and the law, pledge the full faith, credit and resources of the City for the payment of those obligations; and

WHEREAS, the State has enacted the Revised Municipal Finance Act, Act 34, Public Acts of Michigan, 2001, as amended (“Act 34”), relative, inter alia, to the borrowing of money and the issuance

of certain debt and securities, providing for tax levies, authorizing the issuance of certain debt and securities and to generally govern municipal finance practices in the State; and

WHEREAS, the City is defined to be a “municipality” under Act 34 that has the power to issue a security such as bonds, notes, contracts, obligations or other similar instruments; and

WHEREAS, the City previously issued its Unlimited Tax General Obligation Financial Recovery Bonds, Series 2008 (the “2008 Bonds”), and levies taxes without limitation as to rate or amount (the “Unlimited Tax Levy”) to pay the debt service on the 2008 Bonds, each pursuant to voter authorization approved at the general election held on November 6, 2007; and

WHEREAS, in connection with the restructuring of the 2008 Bonds, the City issued its Emergency Loan Note (General Obligation Limited Tax) 2013-14 Series I (the “2014 Note) pursuant to the provisions of the Emergency Municipal Loan Act, Act 243, Public Acts of Michigan, 1980, as amended (“Act 243”) and pledged for the payment of debt service on the 2014 Note the Unlimited Tax Levy and the City’s revenue sharing payments; and

WHEREAS, as a result of the timing of the collection of taxes pursuant to the Unlimited Tax Levy in 2014 in relation to the issuance of 2014 Note, the City has accrued a balance (the “Accrued Balance”) in its debt service fund related to the 2008 Bonds now securing payment of the 2014 Note; and

WHEREAS, in connection with the issuance of its 2018 Capital Improvement Bonds (Limited Tax General Obligation) (the “2018 Bonds”), the City entered into that certain Amended and Restated Debt Retirement Trust Agreement (the “Trust Agreement”), dated as of August 1, 2018, by and between the City and U.S. Bank National Association (the “Trustee”); and

WHEREAS, the Trust Agreement, which provides for the payment of the 2018 Bonds, the 2014 Note and all other City obligations secured by revenue sharing payments, requires the City to transfer all funds collected pursuant to the Unlimited Tax Levy to the Trustee; and

WHEREAS, in order to comply with the provisions of Act 34, the City must use the Accrued Balance to redeem a portion of the next annual principal maturities of the 2014 Note; and

WHEREAS, in connection with the redemption of a portion of the next annual principal maturities of the 2014 Note, the City desires to authorize the amendment of the 2014 Note in order to adjust to a level and/or accelerated debt service thereon to provide for an even Unlimited Tax Levy though final maturity date of the 2014 Note; and

WHEREAS, in connection with the amendment of the 2014 Note, the City desires to authorize certain officers of the City to take certain actions and to execute such documents as may be necessary, and make filings with the State of Michigan Department of Treasury (the “Department”) and the Local Emergency Financial Assistance Loan Board (the “Board”).

NOW, THEREFORE, BE IT ORDERED AND RESOLVED by the City Council of the City of Highland Park, that:

Section 1. The Mayor, the City Administrator, and the Finance Director of the City (each, an “Authorized Officer”) are each authorized and directed to utilize up to One Million Two Hundred Thousand

Dollars (\$1,200,000) of the Accrued Balance in order to redeem the next successive annual principal maturities on the 2014 Note in accordance with the terms thereof.

Section 2. Each Authorized Officer is hereby authorized to provide all notices, to execute such documents as may be necessary, and to make all required filings and applications with the Department and the Board to effectuate the redemption of certain maturities of the 2014 Note and to effectuate the amendment of the 2014 Note in order to amend the annual principal maturities thereof to achieve an even annual Unlimited Tax Levy through the final maturity date of the 2014 Note, as such maturity date may be accelerated as authorized herein.

Section 3. The Mayor and the City Clerk shall execute the amended 2014 Note on behalf of the City and the City's seal or facsimile thereof shall be imprinted or affixed thereon, and the fully executed amended 2014 Note shall be delivered to the Board as agent for the State.

Section 4. The City hereby acknowledges that the amendment of the 2014 Note may require the amendment of the underlying loan (the "Loan") which is evidenced by the 2014 Note. Each Authorized Officer is hereby authorized and directed to execute an amendment to the loan agreement (the "Amended Emergency Loan Agreement") pursuant to an Order of the Board (the "Order"), which Order and Amended Emergency Loan Agreement may contain terms and conditions of the Loan as amended. Each Authorized Officer is hereby authorized to accept such terms and conditions if he/she determines that accepting such terms and conditions is in the best interest of the City, and once accepted, such terms and conditions of any such Order and Amended Emergency Loan Agreement shall be binding on the City.

Section 5. Notwithstanding anything herein to the contrary, the Authorized Officers, City Clerk, City Attorney and any other official or employee of the City are each hereby authorized and ordered to take such action or execute such documents and certificates as may be necessary or desirable and in the best interest of the City in connection with the amendment delivery of the Note.

Section 6. The appointment of the law firm of Miller, Canfield, Paddock and Stone, P.L.C. of Detroit, Michigan as Note Counsel for the redemption and amendment of the 2014 Note is hereby ratified and confirmed notwithstanding the periodic representation by Miller, Canfield, Paddock and Stone, P.L.C. in unrelated matters of the State and other parties and potential parties, if any, to the issuance of the Note.

Section 7. The appointment of Robert W. Baird & Co., Incorporated, to act as Municipal Advisor to the City with respect to the redemption and amendment of the 2014 Note is hereby ratified and confirmed. Yeas (5), Nays (0), Absent (0).

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CITY CLERK:

10-15-18

IXa. The following resolution was submitted for approval.

Moved by Councilmember Woodard

Supported by Councilmember Marshall



**WHEREAS**, all election inspectors serving for the General Election to be held on Tuesday, November 6, 2018 shall be paid on a fee basis; and the fee to be paid for Chairperson shall be the sum of \$175.00 and the fee to be paid for inspector shall be the sum of \$150.00 each which includes the \$10.00 fee for attending the training session prior to the election;

**BE IT RESOLVED** that the following places are hereby designated as the polling places within the City of Highland Park for the November 6, 2018 General Election:

PRECINCTS	LOCATION	
1	Healing Spring Missionary Baptist Church	12647 Hamilton
8	Faith Tabernacle Church	16548 Hamilton
14	Ernest T. Ford	10 Pitkin
15	Ernest T. Ford	10 Pitkin
18	Robert B. Blackwell Municipal Complex	12050 Woodward Ave.
20	New Mt. Moriah Baptist Church	13100 Woodward Ave.
23	Downes Manor	1375 John R.

**THEREFORE, BE IT RESOLVED** that pay for all election inspectors and the establishment of polling places and (2) A.V. Counting Board for all precincts for the General Election to be held Tuesday, November 6, 2018 be approved.

**FURTHER BE IT RESOLVED** that the building problems at Precinct 23, Downes Manor will be completed and that location will be available for voters to cast their ballot. Yeas (5), Nays (0), Absent (0).

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10-15-18

IX.b

The Clerk submitted a business license and a quota Class C and SDM license for Woodward Bistro, Inc. located at 12891 Woodward Ave.

Moved by Councilmember Lewis  
Supported by Council Pro Tem McDonald

**To approve the business license for Woodward Bistro, Inc. located at 12891 Woodward Ave and recommend a quota Class C and SDM license contingent upon submission to council and clerk the Planning Commission and Traffic Committee minutes approving the site plan and parking concerns. Yeas (5), Nays (0), Absent (0).**

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**FINANCE:**

10-15-18-X

**The Finance Director submitted September 30, 2018 Monthly Financial Statement.**

**Moved by Councilmember Lewis  
Supported by Councilmember Marshall**

**To received and file the September 30, 2018 Monthly Financial Statement. Yeas (5), Nays (0), Absent (0).**

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**FIRE DEPT.  
10-15-18  
XI.**

**The following resolution was submitted for approval.**

**RESOLUTION TO ESTABLISH PROTOCOL FOR THE DISPENSING OF FUEL DURING HALLOWEEN SEASON**

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

**WHEREAS, in efforts to mitigate the occurrence of incendiary fires within the City of Highland Park during the Halloween season, the City of Highland Park Fire Department proposes the following restrictions to be enforced at all service stations throughout the City of Highland Park;**

**Except for emergencies, dispensing of fuel into portable gas containers will be prohibited. Anyone purchasing gasoline kerosene, or diesel fuel in a gas container must be at least 18 years of age and provide a state-issued driver's license or identification card to the gas station clerk. This restriction will be imposed beginning 10:00 a.m. October 28, 2018 and ending 7:00 a.m. November 1, 2018**

**NOW THEREFORE BE IT RESOLVED, the City Council approves the restriction and its enforcement by the City of Highland Park Fire Department. Yeas (5), Nays (0), Absent (0).**

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**OUTSIDE COMMUNICATION:**

**10-15-18**

**XII-a**

**The following communication was received from Michigan Liquor Control Commission.**

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

**RID# 912813 Reference/Transaction: New Class C License and Sunday Sales Permit (PM)  
located at 12000 Woodward Ave. Highland Park, MI 48203, Wayne County.**

**Please let this letter serve as notice the Michigan Liquor Control Commission has referred your application to our Enforcement Division for investigation of your request.**

**Applicant/Licenses JAKM Holding LLC**

**As part of the licensing process, an investigation is required by the Michigan Liquor Control Commission Enforcement Division. The Enforcement investigate will be conducted from the following designated District Office. Southfield, District Office.**

**Receive and file the above communication. Yeas (5), Nays (0), Absent (0).**

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**10-15-18**

**XIII-b**

**The following communication was received from Adam Hollier.**

**I am respectfully request usage of the City of Highland Park Fire Station on November 10<sup>th</sup> from the hours of 3 p.m. – 5 p.m. to host my ceremonial swearing in ceremony I expect to invite dignitaries, friends, family and the general public to participate. I'm requesting to be added to the City Council agenda at the next general meeting or as soon as I can be added. Thank you in advance. Should you have any questions is this regard, I can be reached at phone number on file.**

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**Moved by Councilmember Marshall  
Supported by Council Pro Tem McDonald**

**To approve the request for use of the Fire Station on November 10<sup>th</sup> from 3 p.m. to 5 p.m. to host a swearing in ceremony. Yeas (5), Nays (0). Absent (0).**

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**COUNCIL AFFAIRS:**

**10-15-18**

**XIII-a**

**The following resolution was submitted for approval.**

Moved by Council Pro Tem Lewis  
Supported by Councilmember Marshall

**RESOLUTION STATING THAT THE HIGHLAND PARK CITY COUNCIL WILL EXERCISE ITS RIGHTS TO  
EXTEND THE 3<sup>RD</sup> PARTY INDEPENDENT ATTORNEY CONTRACT REPRESENTATION IN THE LEGAL MATTER  
OF THE HIGHLAND PARK CHARTER COMMISSION, ET AL V.S. CITY HIGHLAND PARK**

WHEREAS, The Highland Park City Council is well within its rights provided by the City Charter to hire a 3<sup>rd</sup> party independent attorney, and,

WHEREAS, a legal matter has come before the City Council in the form of filed complaint on July 19<sup>th</sup> 2018,

NOW, THEREFORE BE IT RESOLVED, that the Highland Park City Council will execute the hiring of the

Herb Sanders Law Firm  
615 Griswold, Suite 913  
Detroit, MI 48226

To provide legal representation for the Highland Park City Council for a flat fee of \$10,000 and requests this budget amendment through the Mayor to the Director of Finance. Yeas (5), Nays (0), Absent (0)

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10-15-18

XIII-b

Moved by Councilmember Woodard  
Supported by Councilmember Lewis

**RESOLUTION AUTHORIZING THE EXTENSION OF A CONTRACT FOR PROFESSIONAL SERVICES FOR  
LEGAL REPRESENTATION BETWEEN THE HIGHLAND PARK CITY COUNCIL AND ADAM SHAKOOR &  
ASSOCIATES**

WHEREAS, the Highland Park City Council through its previous Resolution recognizes that there is a "bona fide" dispute between the City Council and Mayor Hubert Yopp pertaining to its Recreation Center regarding its building usage, scheduling and funds; and

WHEREAS, the aforementioned includes multiple law violations of the Highland Park City Charter by Mayor Hubert Yopp; and

WHEREAS, the Highland Park City Council has a civic and sworn duty to proceed lawfully in this matter through its Charter Violation process; and

**WHEREAS, the Highland Park City Council requests a formal budget amendment in the amount of \$10,000 be made to address the additional expenditures as extension in this contract;**

**NOW, THEREFORE be it resolved, that the Highland Park City Council enter into this agreement for Legal Representation with**

**Adam Shakoor & Associates, P.C.  
615 Griswold, Suite 1402  
Detroit, MI 48226**

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

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**ADJOURNMENT:**

**Moved by Councilmember Marshall**

**Supported by Councilmember Lewis**

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











