

MINUTES OF THE REGULAR MEETING OF THE HIGHLAND PARK CITY COUNCIL

April 16, 2018

Council convened at 7:01 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.

APPROVAL OF AGENDA

Moved by Councilmember Lewis

Supported by Council Pro Tem McDonald

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

APPROVAL OF MINUTES

Moved by Council Pro Tem McDonald

Supported by Councilmember Marshall

To approve the minutes from the Workshop Meeting held April 2, 2018. Yeas (5), Nays (0), Absent (0).

Moved by Councilmember Lewis

Supported by Council Pro Tem McDonald

To approve the minutes from the Regular Meeting held April 2, 2018, with a correction under City Council Affairs regarding moving funds from the City Council activities line item to the legal line item the amount should read \$18,800 not \$18,000. Yeas (5), Nays (0), Absent (0).

BID OPENING:

a. The Clerk stated this was the time and place to open bids for Sidewalk removal & replacement services.

One Bid was received. (1)

Hayes Land Corp.
30835 W. Ten Mile Road
PO Box 6008
Farmington, Hills, MI 48336 Bid amount: \$156.400

Moved by: Councilmember Lewis
Supported by Council Pro Tem McDonald

To refer the bid to D.P.W. for a report and recommendation. Yeas (5), Nays (0), Absent (0).

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b. The Clerk stated this was the time and place to open bids for Tree Services.

No bids were received.

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c. The Clerk stated this was the time and place to open bids for Catch Basin Services.

No bids were received.

MAYOR:

04-16-18

The following resolution was received for approval.

RESOLUTION TO APPROVE INTERNATIONAL OUTDOOR, INC. BILLBOARD LEASE

Moved by Council Pro Tem McDonald
Supported by Councilmember Marshall

WHEREAS, International Outdoor, Inc. is a Michigan corporation, which, in course of its business, leases municipal realty to erect billboards for later rental to advertisers; and

WHEREAS, International Outdoor has identified city-owned land that it is desirous of leasing to erect billboards; and

WHEREAS, International Outdoor, by written agreement (a copy of which is attached), assures that the content of its advertising rentals shall be restricted to tenants who will not display lewd, lascivious, sexually suggestive or erotic images; and

WHEREAS, the City of Highland Park is otherwise interested in advancing the economic development of the City, while not injuring the City's image; and

WHEREAS, the lease term is for a period of ten (10) years at a rental amount of \$12,000.00 per year, payable to the City as a Lessor; and

WHEREAS, the annual rent from this lease will generate revenue for the City, which is sorely needed;

NOW, THEREFORE, BE IT RESOLVED that Council approves the proposed lease between International Outdoor Inc. and the City of Highland Park. Yeas (3), Nays (2) Councilmembers Woodard and Lewis, Absent (0).

CITY CLERK:

The Clerk submitted the 2018-19 business license application from Captain Jay's located at 14124 Woodward Ave.

Moved by Councilmember Woodard

Supported by Councilmember Lewis

To approve the 2018-19 business license application from Captain Jay's located at 14124 Woodward Ave. Yeas (5), Nays (0), Absent (0).

COMMUNITY DEVELOPMENT:

The following communication was submitted for approval.

RE: Wayne Metro's request for Alley Vacation

On March 19th a Public Hearing was held where Anne Zobel, the Chief Programs Officer for Community and Economic Development for Wayne Metro presented her plan to vacate a portion of a public alley and drive access. The public as well as the Council was able to ask questions, make comments and voice their opinions. We now ask that you approve Wayne Metro's Request for Alley Vacation.

Vacating the alley and drive access is important for the following reasons:

1. It will create a contiguous space for the Cortland Community Impact Center
2. It will provide a safe and secure play area for children participating in the Center's education programs and secure parking for visitors.
3. It will provide an attractively landscaped site.

The plan has been vetted by architects, city planners and has been approved by the Highland Park Fire Department. It has also been presented and approved by the Traffic Committee and Planning Commission.

Moved by Council Pro Tem McDonald
Supported by Councilmember Woodard

RESOLUTION APPROVING REQUEST FOR ALLEY VACATION AND DRIVE ACCESS VACATION BY WAYNE METRO

WHEREAS, City of Highland Park is in receipt of the request to vacate a portion of the public alley which now occupies the following described property in the City of Highland Park, Michigan;

Beginning at a point at a southwest corner of lot 118 of the "highland Park Subdivision of part of ¼ Section 16, 10,000 acre tract, Wayne County, Michigan" According to the plat thereof recorded in Liber 10 of Plats, page 18 of Wayne County records; thence N. 63'41' E. 188.34 feet along the southerly line of its 118,117, 116 and 115 of said "Highland Park Subdivision"; thence S. 26'19' E. 20.00 feet; thence S. 63'41' W. 188.34 feet to a point on the east right of way line of Third Street (600 feet wide); thence N 26'19' W. 20.00 feet along said right of way line to the point of beginning.

Said property being more commonly known as the public alley adjacent to and south of all lots 118, 117, 116 and 115 of said "Highland Park Subdivision"

That portion of a public alley which now occupies the following described property in the City of Highland Park, Wayne County, Michigan:

Beginning at a point in the southwest corner of lot 105 of the Highland Park Subdivision of part of ¼ Section 16, 10,000 acre tract, Wayne County, Michigan" According to the plat thereof recorded in Liber 10 of Plats, page 18 of Wayne County records; thence S. 26'19' E. 20.00 feet along the west right of way line of Second Avenue (60 feet wide); thence S. 63'41' W. 220 feet thence N. 26'19' W. 20.00 feet; thence N. 63'41'E. 220 feet along the southerly line of the easterly 20 feet of lot 109 and all of lots 108,107,106, and 105 of said "Highland Park Subdivision" to the point of beginning.

Aid property being more commonly known as the public alley adjacent to and south of the easterly 20 feet of lot 109 and all of lots 108, 107, 106 and 105 of said "Highland Park Subdivision."

That portion of a public alley which now occupies the following described property in the City of Highland Park, Wayne County, Michigan:

Beginning at a point at the southwest corner of lot 113 of the "Highland Park Subdivision of part of ¼ Section 16, 10,000 acre tract, Wayne County, Michigan" According to the plat thereof recorded in Liber 10 of Plats, page 18 of Wayne County records; thence N. 63'41' E. 20.00 feet along the southerly line of said lot 113; thence S. 26'19' E. 20.00 feet' thence S. 63'41' W. 20.00 feet; thence N. 26'19' W, 20.00 feet to the point of beginning

Said property being more commonly known as the westerly 20 feet of lot 113 of said "Highland Park Subdivision"

That portion of a drive access which now occupies the following described property in the City of Highland Park, Wayne County, Michigan:

Beginning at a point at the southeast corner of lot 109 of the "Highland Park Subdivision of part of ¼ Section 16, 10.00 acre tract, Wayne County, Michigan" According to the plat thereof recorded in Liber 10 of Plats, page 18 of Wayne County records, thence S. 63'41' W. 20.00 along the

southerly line of said lot 109; thence N. 26'19' W. 180.00 feet; thence N 63'41' E. 20.00 feet along the northerly line of said 109 also being the southerly right of way line of Highland Avenue (80 feet wide); thence along the easterly line of said lot 109 S. 26'19' E 180.00 feet to the point of beginning.

Said property being more commonly known as the easterly 20 feet of lot 109 of said "Highland Park Subdivision."

WHEREAS, a Public Hearing was held on March 19, 2018 to discuss he alley vacation and drive access vacation by Wayne Metro;

WHEREAS, The Traffic Committee and Planning Commission has reviewed and recommended approval of the request; and

WHEREAS, The City Council is the final approving body;

NOW HEREBY BE IT RESOLVED by the City Council of the City of Highland Park that the Council approves the request for alley vacation by Wayne Metro;

FURTHER BE IT RESOLVED; that written letters from the residents of 162 and 166 Cortland be received. Yeas (5), Nays (0), Absent (0).

FINANCE:

The Finance Director submitted the monthly financial statement March 31, 2018.

Moved by Council pro Tem McDonald

Supported by Councilmember Marshall

To receive and file the statement. Yeas (5), Nays (0), Absent (0).

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The Finance Director submitted the Proposed Budget for Fiscal Year 2018/19.

Moved by Councilmember Lewis

Supported by Council Pro Tm McDonald

To receive and review the Proposed Budget for Fiscal Year 2018/2019. Yeas (5), Nays 90), Absent (0).

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The following resolution was submitted for approval.

RESOLUTION AUTHORIZING PUBLIC HEARING FOR THE FISCAL YEAR 2018-2019 BUDGET

Moved by Councilmember Lewis
Supported by Council Pro Tem McDonald

BE IT RESOLVED that the Highland Park City Council hereby approves for an ad to be placed in the Michigan Chronicle advertising a Public Hearing for the budget to be set on May 7, 2018 at the next Regular Council meeting at 7:00 p.m. Yeas (5), Nays (0), Absent (0).

LEGAL:

The following resolution was submitted for approval.

RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF CHARLES MULLIN vs CITY OF HIGHLAND PARK CASE NO. 16-008567-NO

Moved by Councilmember Lewis
Supported by Councilmember Woodard

To table. Yeas (5), Nays (0), Absent (0).

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The following resolution was submitted for approval.

RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF YALON MOORE vs CITY OF HIGHLAND PARK AND OFFICER PLAYER CASE NO. 16-12587

Moved by Councilmember Lewis
Supported by Councilmember Woodard

To table. Yeas (5), Nays (0), Absent (0).

WATER DEPARTMENT:

The following resolution was received for approval.

RESOLUTION TO HOLD A PUBLIC HEARING FOR CHANGES TO THE CITY OF HIGHLAND PARK EXCAVATIONS, WATER, SANITARY SEWER AND DRAINAGE AND STORMWATER BILLING ORDINANCES (1024, 1040, 1042 AND AN UNNUMBERED ORDINANCE) AS REQUESTED BY THE WATER DEPARTMENT

Moved by Councilmember Woodard
Supported by Councilmember Lewis

WHEREAS, Chapters 1024, previously a codification of Ordinance 344, was re-enacted in it's entirety by Ordinance 1158, passed January 20, 1987; and

WHEREAS, chapters 1040, a codification of Ordinances 316, 446, 473, 519, 544, 546, 579, 731 and 897, was enacted in 1959, with an addition of a reward program for illegal reconnections in 1998; and

WHEREAS, Chapters 1042, a codification of Ordinances 337 and 578, was enacted in 1959; and

WHEREAS, the Drainage and Storm water Billing ordinance, currently an unnumbered ordinance; was approved by City Council July 18, 2016; and

WHEREAS, since council passed the original ordinances, requirements have changes; and

WHEREAS, the City of Highland Park Water Department requests comments on the recommended ordinance changes; and

RESOLVED, that the City of Highland Park Water Department requests a public hearing to be held at the Regular City Council Meeting of May 7th, & May 21st to receive these comments regarding the changes to the ordinances. Yeas (5), Nays (0), Absent (0).

The following resolution was submitted for approval.

Moved by Councilmember Lewis

Supported by Councilmember Marshall

WHEREAS, the City does hereby determine that it is necessary to pay all or part of the costs of certain capital improvement items in the City, including the acquisition, construction, and installation of certain water main replacements and additions, extensions and improvements to the City's Water Supply System, together with all necessary interests in land, rights of way and all appurtenances and attachments thereof, as described in the plans prepared by Metro Consulting Associates, the engineers (the "Project"); and

WHEREAS, the City Council deems it necessary to borrow the principal amount of not to exceed Four Million Eighty Thousand Dollars (\$4,080,000) and issue capital improvements bonds (the "Bonds") pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), to finance the cost of the Project and to pay certain costs of issuance of the Bonds; and

WHEREAS, the City Council deems it necessary to borrow the principal amount of not to exceed Four Million Eighty Thousand Dollars (\$4,080,000) and issue capital improvement bonds (the "Bonds") pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), to finance the cost of the Project and to pay certain costs of issuance of the Bonds; and

WHEREAS, a notice of intent for bonds was published in accordance with Act 34 which provides that the capital improvement bonds may be issued without a vote of the electors of the City unless a proper petition for an election on the question of the issuance of the bonds is filed with the City Clerk within a period of forty-five (45) days from the date of publication and as of this date no petition has been filed with the Clerk; and

WHEREAS, in connection with the sale of the Bonds to the Authority, the Authority is requiring that, in addition to pledge of the City's limited tax, full faith, credit and resources, the

Bonds be secured by a pledge, pursuant to the authority of Act 227, Public Acts of Michigan, 1985, as amended ("Act 227"), of the payments the City is eligible to receive from the State of Michigan under Act 140, Public Acts of Michigan, 1971, as amended ("Distributable State Aid"); and

WHEREAS, the City previously entered into a certain Debt Retirement Trust Agreement between the City and U.S. Bank National Association, as trustee (the "Trustee"), dated as of June 1, 2008 (the Trust Indenture"), in connection with the City's pledge of Distributable State Aid as security for certain outstanding obligations of the City ("Outstanding DSA Obligations") pursuant to the provisions of Act 227; and

WHEREAS, in connection with the sale of the Bonds to the Authority and the pledge of Distributable State Aid, the City is required to enter into a certain Amended and Restated Trust Agreement (the 'Amended and Restated Trust Agreement") with the Trustee and the Authority to amend and restate the Trust Indenture.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Authorization of Bonds; Bond Terms. Subject to no proper petition being filed within the 45-day period, bonds of the City designated 2018 CAPITAL IMPROVEMENT BONDS (LIMITED TAX GENERAL OBLIGATION) (the "Bonds") are authorized to be issued in the aggregate principal sum of not to exceed Four Million Eighty Thousand Dollars (\$4,080,000) as finally determined by order of the MDEQ for the purpose of paying part of the cost of the Project, including the costs incidental to the issuance, sale and delivery of the Bonds. The Bonds shall be in the form of a single fully-registered, nonconvertible bond of the denomination of the full principal amount thereof, dated as of the date of delivery, payable in principal installments as shown in Schedule A in Section 6 of this Resolution or as finally determined by the order of the MDEQ at the time of sale of the Bonds and approved by the Authority and by the Mayor, the City Administrator, the City Clerk or the Finance Director of the City (each an "Authorized Officer"). Principal installments of the Bonds shall be payable on October 1 of the years 2019 to 2048, inclusive, as shown in Schedule A in Section 6 of this Resolution or such other payment dates as hereinafter provided. Interest on the Bonds shall be payable on April 1 and October 1 of each year, commencing October 1, 2018, or on such other interest payment dates as hereinafter provided. Final determination of the principal amount of and interest on the Bonds and the payment dates and amounts of principal installments of the Bonds shall be evidenced by execution of the Bonds and of a purchase contract between the Authority and the City (the "Purchase Contract") and each of the Authorized Officers is authorized and directed to execute and deliver the Purchase Contract when it is in final form and to make the determinations set forth above; provided, however, that the first principal installment shall be due no earlier than October 1, 2019 and the final principal installment shall be due no later October 1, 2048 and the total principal amount shall not exceed \$4,080,000.

The Bonds shall bear interest at an interest rate per annum on the par value thereof as evidenced by execution of the Purchase Contract, but in any event not to exceed two percent (2.00%) per annum, and any of the Authorized Officers as shall be appropriate shall deliver the Bonds in accordance with the delivery instructions of the Authority. The principal amount of the Bonds is expected to be drawn down by the City periodically, and interest on the principal amount drawn

down shall accrue from the date such principal amount is drawn down by the City. The Bonds are also subject to the payment of “additional interest” as described in the form of the Bonds included in Section 6 of this Resolution.

The Bonds shall not be convertible or exchangeable into more than one fully-registered bond. Principal of interest on the Bonds shall be payable as provided in the Bond form in Section 6 of this Resolution.

The Bonds or principal installments thereof shall be subject to prepayment at any time prior to maturity by the City with the prior approval of the Authority and on such terms as may be required by the Authority.

The Treasurer shall record on the registration books payment by the City of each installment of principal or interest or both when made and the cancelled checks or other records evidencing such payments shall be returned to and retained by the Treasurer.

Upon payment by the City of all outstanding principal of and interest on the Bonds, the Authority shall deliver the Bonds to the City for cancellation.

2. Execution of Bonds. The Mayor and the City Clerk are authorized to execute and deliver the Bonds in accordance with the delivery instructions of the Authority. The Bonds of this issue shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and the City Clerk and shall have the seal of the City or a facsimile thereof, printed or impressed on the Bonds. The Bonds bearing the manual or facsimile signatures of the Mayor and the City Clerk sold to the Authority shall require no further authentication.

3. Transfer Agent: Transfer of Bonds. The Trustee, acting as the bond registrar, transfer agent, and paying agent for the Bonds (the “Transfer Agent”), shall keep the books of registration books by the registered owner of record, in person or by the registered owner’s duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any Bond or Bonds shall be surrendered for transfer, the City shall execute and the Transfer Agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The Transfer Agent shall require the payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.

Unless waived by any registered owner of Bonds to be redeemed, official notice of redemption shall be given by the Transfer Agent on behalf of the City. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; CUSIP numbers, if any; certificate numbers (and in the case of partial redemption) the called amounts of each certificate; the place where the Bonds called for redemption are to be surrendered for payment; and that interest on the Bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date.

In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

4. Security: Debt Retirement Fund: Defeasance of Bonds. The City hereby pledges its limited tax full faith and credit for the prompt payment of the Bonds. The City shall, each year budget the amount of the debt service coming due in the next fiscal year on the principal of and interest on the Bonds and shall if debt service on the Bonds is not paid first from Distributable State Aid in accordance with the Amended and Restated Trust Agreement; advance as a first budget obligation from its general funds available therefor, or, if necessary, levy taxes upon all taxable property in the City subject to applicable constitutional, statutory and charter tax rate limitations such sums as may be necessary to pay such debt service in said fiscal year.

As additional security for repayment of the Bonds, the City hereby pledges the Distributable State Aid collected by the State of Michigan and returned to the City pursuant to Act 140, to the Authority as purchaser and holder of the Bonds, and the City hereby authorizes an Authorized Officer to approve, execute and deliver a Revenue Sharing Pledge Agreement (the "Revenue Sharing Pledge Agreement") between the City and the Authority authorizing the State Treasurer to transmit the revenue sharing money's assigned and pledged therein directly to the Authority, its designee or the Trustee in accordance with the Amended and Restated Trust Agreement. In connection with the pledge of Distributable State Aid to secure payment of the Bonds, the City hereby authorizes and Authorized Officer to approve, execute and deliver the Amended and Restated Trust Agreement, and such supplemental indentures as necessary, to provide for priorities of payment of Distributable State Aid to the Outstanding DSA Obligations and the Bonds.

The City hereby establishes and creates the following special, separate and segregated accounts and funds which shall be held in trust by the Trustee for the benefit of the holders of the Bonds and the holders of the Outstanding DSA Obligations in accordance with the terms and conditions of the Amended and Restated Trust Agreement:

- a. Debt Retirement Fund – All Obligations
- b. Debt Retirement Fund- Series 2018 Escrow Fund

The City Treasurer is authorized and directed to establish and create such additional accounts and funds as are necessary to facilitate the payment of the Bonds and the Outstanding DSA Obligations under the Amended and Restated Trust Agreement.

In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional redemption, the principal of, premium, if any, and interest on the Bonds, shall be deposited in trust, this resolution shall be defeased and the owners of the Bonds shall have no further rights under this resolution except to receive payment of the principal of, premium, if any, and interest on the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.

5. Construction Fund: Proceeds of Bond Sale. The City Treasurer is authorized and directed to open a separate depository account with a bank or trust company designated by the Finance Director, to be designated 2018 CAPITAL IMPROVEMENT BONDS CONSTRUCTION FUND (the "Construction

Fund”) and deposit into said Construction Fund the proceeds of the Bonds less accrued interest, if any, which shall be deposit into the Debt.

Retirement Fund. The moneys in the Construction Fund shall be used solely to pay the costs of the Project and the costs of issuance of the Bonds. Yeas (5), Nays (0), Absent (0).

CITY COUNCIL AFFAIRS:

Moved by Councilmember Lewis

Supported by Councilmember Woodard

To hold a Workshop Meeting re: Property Sale Ordinance, a Special Meeting re: Council acquiring legal representation and a Closed Session for legal on Tuesday, April 24, 2018 at 5:30 p.m. Yeas (0), Nays (0), Absent (0)

ADJOURNMENT:

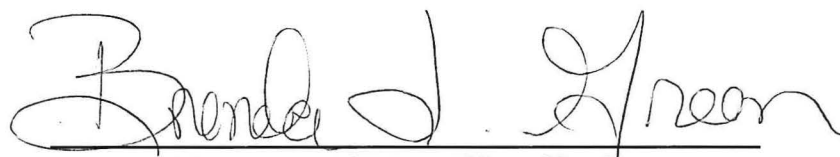
Moved by Council Pro Tem McDonald

Supported by Councilmember Lewis

To adjourn this meeting; motion carried meeting adjourned at 8:37 p.m.

CERTIFICATE

I, hereby certify that the attached is a copy of the minutes of a Regular Meeting held on the 16th day of April 2018. Minutes are available for public inspection at the address designated on the posted public notice.

A handwritten signature in cursive script that reads "Brenda J. Green". The signature is written in black ink and is positioned above a horizontal line.

Brenda J. Green, City Clerk