

**MINUTES OF THE VIRTUAL & IN-PERSON REGULAR
MEETING OF THE HIGHLAND PARK CITY COUNCIL**

May 16, 2022

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

Present: Council Pro Tem Patrick, Councilmember McDonald, Councilmember Bates, Councilmember Armstrong, and Council President Clyburn (5).

Absent: (0).

A quorum being present, Council was declared in session.

APPROVAL OF AGENDA

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

To approve the agenda with the addition of an outside communication from Revival Tabernacle. Yeas (5), Nays (0), Absent (0).

**VETO
05-16-22 V**

The following veto was received from Mayor Yopp.

On May 6, 2022, the Highland Park City Council passed a resolution purporting the existence of a Bona Fide Dispute as defined in the Highland Park City Charter Chapter 7; Section 7-5; Letter (c) of the City Charter, "in light of statements" public statements made by me of a political nature as to Councilman Rodney Patrick's fitness for office and the City Clerk Brenda Green's performance of official duties.

The allegation, though not clearly explained, does not meet the requirements needed to establish a bona fide dispute within the provisions of Section 7-5 of the Charter and is therefore vetoed pursuant to the Authority vested in the Mayor under Section 6-3 of the City Charter. The City of Highland Park Election Commission is established pursuant to State law. State Law defers to local rule in the area of City elections. MCL 168.321.

The Election Commission has been a part of City government from the date of its incorporation. For more than ninety (90) years the Election Commission has been comprised of the City Attorney as Chair, the City Clerk as Secretary, the Police Chief and the DPW Director. Section 12-6, Election Commission. The commissioners were always appointees of the sitting Mayor. Further, no court has found that there is an inherent inability to

perform their duties based upon political rhetoric or criticisms by and between elected officials.

The lawsuit which triggered this invalid action was brought by Charles Blackwell. That case has been dismissed and is gone forever. This lawsuit was the responsibility of the City Attorney to defend as head of the Legal Department. Section 7-5. I am vetoing the appointment of Bodman PLC and/or any other law firm or attorney, as a violation of the City Charter, Section. 7-5.

The attempted amending of the previously approved FY 2021-2022 City Budget to remove \$35,00.00 from the Law Department Budget for payment to Bodman PLC for services rendered and to be rendered to the City Council is vetoed. Because this action violates both State law and the Highland Park City Charter you are hereby on notice that pursuant to the authority vested in the Mayor under **Section 6-3**, I must and am vetoing this resolution.

The resolution is a legal document. The City Council is well aware that as such it should have been, but was not, reviewed by City Attorney, as required by the City Charter, Section 7-5 (6). The document itself is a long and detailed document, which strongly suggests, based upon the brief pre-vote discussions, improper deliberations by members of Council in violation of the Michigan Open Meetings Act MCL 15.2263, which contains both civil and criminal remedies. It was not reviewed by the law department prior to your vote. This is a consistent pattern and a Charter Violation. Section 7-5.

The resolution is vetoed because it violates Section 8.8(a) of the City Charter, Operation Appropriations- Expenditures and Transfer which provides that after the budget has been adopted, only upon the recommendation of the Mayor can this action be taken. My recommendation has not been sought or given.

Further, my position in this action is consistent with MCL 141.437, the Michigan General Appropriations Act which provides that City Council lacks the unilateral authority to amend a previously adopted budget by making transfers or appropriations not authorized by the Mayor. See Detroit City Council v. Stecher, 430 Mich 74 (1988). Michigan Supreme Court.

Finally, once again, there appears to be an obvious attempt to have the city's Department of Law inadequately funded. These actions are intended to injure the city and its citizens. An appropriation to fund the law department must meet the city's obligation to fund statutory and municipally mandated duties at a serviceable level. Pursuant to my authority under Section 6-3 of the Highland Park City Charter, I am vetoing this action and suspending the operation of this resolution.

Moved by Councilmember Bates
Supported by Council Pro Tem Patrick

To override the Mayor's veto. Yeas (5), Nays (0), Absent (0).

FINANCE
05-16-22 VI a

The following resolution was submitted for approval.

RESOLUTION
APPROVAL OF DEFICIT ELIMINATION PLAN (DEP) FOR THE FEDERAL GRANTS
FUND AS OF JUNE 30, 2021

Moved by Council Pro Tem Patrick
Supported by Councilmember McDonald

WHEREAS, the State of Michigan requires all funds of the City to have a balanced budget or to the extent any grants funds have a deficit it must be offset by deferred revenue of an equal amount; and

WHEREAS, the City of Highland Park Federal Grants at June 30, 2021 had a deficit of \$180,450.55 but only \$122,851.49 of deferred revenue (attached); and

WHEREAS, the deficit in the Federal Grants Fund is only a result of not receiving timely reimbursements of grant expenditures from third parties; and

WHEREAS, the City has received notification from the State of Michigan department of Treasury formally requesting a City Council approved DEP showing in detail how the deficit will be eliminated; and

WHEREAS, the City Council has passed a detailed amended budget which shows projected revenues exceeding expenditures by \$303,609.00 for the fiscal year ending June 30, 2022 (attached); the net result would eliminate the fund deficit at June 30, 2022, and now therefore;

BE IT RESOLVED, that the Highland Park City Council hereby approves the attached deficit elimination plan as required by the State of Michigan Department of Treasury for the Federal Grants Fund to address the deficit noted in the June 30, 2021 audit. Yeas (5), Nays (0), Absent (0).

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05-16-22 VI b

The monthly financial statement for April 30, 2022 was received and filed.

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05-16-22 VI c

The following resolution was submitted for approval.

TO ACCEPT THE AWARD OF THE FINANCIALLY DISTRESSED CITIES, VILLAGES AND TOWNSHIPS (FDCVT) GRANT PROGRAM FROM THE STATE OF MICHIGAN

Moved by Councilmember McDonald
Supported by Councilmember Armstrong

WHEREAS, the City of Highland Park applied to the Department of Treasury, Revenue Sharing and Grants Division for the FDCVT Grant, and

WHEREAS, on May 9, 2022 the City of Highland Park received a letter from ORTA advising the City of its intent to award the City of Highland Park a total of \$118,260.00 for Ernest T. Ford Recreation Center Improvements,

WHEREAS, the State of Michigan requires each municipality's governing body to adopt a resolution authorizing participation in the proposed project prior to finalizing the award of grants from the State of Michigan's FDCVT grant program, and now therefore,

BE IT FINALLY RESOLVED, that the Highland Park City Council hereby accepts the award of the FDCVT grant in the amount of \$118,260.00. Yeas (5), Nays (0), Absent (0).

**RECREATION
05-16-22 VII**

The following resolution was submitted for approval.

RESOLUTION TO APPROVE CONTRACTS FOR A BASKETBALL COURT AT CASEY PARK

Moved by Councilmember McDonald
Supported by Council Pro Tem Patrick

To place this item on the June 6th Workshop Agenda. Yeas (5), Nays (0), Absent (0).

**OUTSIDE COMMUNICATION
05-16-22 VIII a**

The following communication was received from State of Michigan Department of Licensing and Regulatory Affairs

RID# 2112-20204 Reference/Transaction: CONDITIONAL LICENSE, Transfer Ownership 2021 SDD & SDM license with Sunday Sales Permit (AM & PM) and Sunday Sales Permit (PM) SDM- Mixed Spirit Drink from Monterey Party Store, Inc.

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/Licensee: Harry's Liquor Store, Inc.

Business address and phone number: 12119 Woodward Ave, Highland Park 48203

Home address and phone number of partner(s)/subordinates:

1. Upkar Banwait: 152 Claflin Blvd, Franklin Square NY 11010 C: (516) 727-3567
2. Jaspreet Banwait: 152 Claflin Blvd, Franklin Square NYC: (516) 853-6044

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

Since this request is a transfer under MCL 436.1529(1), approval of the local unit of government is not required. However, a copy of this notice is also being provided to **Local Governmental Unit** should they wish to submit an opinion on the application or advise of any local non-compliance issues.

Moved by Council Pro Tem Patrick
Supported by Councilmember McDonald

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

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05-16-22 VIII b

The following communication was received from Nicholas Harrell.

As a current resident of your district, I'd like to request special permission to house two Nigerian dwarf goats on my property. Over the past year, I've been researching/contemplating as to whether caring for these goats is something that'd be feasible. I firmly believe that I can provide a healthy lifestyle for the animals, without disturbance to my neighbors' health or well-being.

Though I own three completely fenced-in, adjacent lots, I plan to usually restrict the goats' perimeter, with an interior fence, to a 400-600 sq. ft. area near the center of my property. This is a measure out of respect for my neighbors, and lowers the probability of a potential escape. I have sourced reliable and approximate feed supply/ veterinary care, and have plans for the construction of a proper dwelling and means of composting their waste, which can be used for a garden on the property.

These 'Nigerian dwarfs' are much smaller than a standard goat breed, growing only to about 70 pounds and 16-21" tall. My plan would be to buy wethers (castrated, dis-budded, and vaccinated males), which tend to have a calm, quiet temperament-your average goat is far quieter than your average dog-and no foul smelling pheromones.

While it seems strange to have a goat in the city, it's becoming more popular nationally, with helpful resources budding up often. I believe that the presence of these goats could bring a unique vibrancy to the block. I love this city, Midland St., and the neighbors I've come to know. I'd remain sensitive to the effect and reflection my property and presence has on the surrounding community. The prospect of being able to care for these goats brings me

great joy, and I pray that you consider allowing these lovable, quiet pets into the neighborhood! Please reach out with any questions/ compromises needed to make this a reality.

Moved by Council Pro Tem Patrick
Supported by Councilmember McDonald

To forward to Legal Department for an opinion. Yeas (5), Nays (0), Absent (0).

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05-16-22 VIII c

A flyer from Revival Tabernacle was shared announcing their Juneteenth Family Health & Fun Day on Saturday June 18, 2022 from 11:00am – 3:00pm at 16455 Woodward Ave.

Moved by Councilmember McDonald
Supported by Council Pro Tem Patrick

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

ADJOURNMENT

Moved by Councilmember McDonald
Supported by Councilmember Armstrong

To adjourn the meeting, motion carried, meeting adjourned at 8:06 p.m.

CERTIFICATE

I hereby certify that the attached is a copy of the minutes of the In-Person and Virtual Regular Meeting held the 16th of May 2022 and that said minutes are available for public inspection at the address designated on the posted public notice.



Cidia Wicker-Brown, Deputy City Clerk