

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

APRIL 19, 2021

Council convened at 7:01 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 Council Pro Tem Patrick
Supported by Councilmember Armstrong

To approve the agenda with the addition of a resolution from Community Development regarding Meijer food cards and the removal of the word “approve” from Mayor Yopp’s 2nd veto item. Yeas (5), Nays (0), Absent (0).

APPROVAL OF MINUTES

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

To approve the minutes of the Virtual Workshop meeting held April 5, 2021. Yeas (5), Nays (0), Absent (0).

*

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

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

ADMINISTRATION
04-19-21 V

The following resolution was submitted for approval

**RESOLUTION TO SUBMIT APPLICATION FOR STATE OF MICHIGAN GRANT
FOR FINANCIALLY DISTRESSED CITIES, VILLAGES AND TOWNSHIPS (FDCVT)**

Moved by Councilmember Armstrong
Supported by Councilmember Bates

WHEREAS, on March 16, 2021, the State of Michigan announced the availability of \$2.5 million for 2021 FY grants to financially distressed cities, villages and townships (FDCVT) to be used to help fund special projects and free up tax dollars for important services; and

WHEREAS, Highland Park qualifies for subject grant; and

WHEREAS, in 2019 and 2020, the City successfully applied for and received grants for the Water Department, the purchase of a new police vehicle, the Blue Light Project and funds to bring the front entrance of Highland Park City Hall into ADA compliance; and

WHEREAS, Highland Park wishes to apply for funding under this program, and

NOW, THEREFORE, BE IT RESOLVED the City approves applying for a 2021 FDCVT Grant. Yeas (5), Nays (0), Absent (0).

CITY CLERK
04-19-21 VI

The Clerk submitted a Special Event Application from Playground located at 16549 Woodward Ave. for May 22, 2021 7:00pm to 11:00pm.

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

To forward to the Legal Department for a recommendation. Yeas (5), Nays (0), Absent (0).

CITY COUNCIL
04-19-21 VII a

Moved by Council Pro Tem Patrick
Supported by Councilmember Jackson

To open Proposed 2021-2022 Budget Council hearing. Yeas (5), Nays (0), Absent (0).

Finance Director Eleanor Williamson gave an overview of the proposed budget. Comments were received from City Administrator Cathy Square, Police Chief Kevin Coney and Judge Bridgette Officer-Holley.

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

To close Proposed Budget Council hearing. Yeas (5), Nays (0), Absent (0).

*

04-19-21 VII b

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

To hold a Public Hearing May 17, 2021 at 7:00pm on the Mayor's Proposed 2021-2022 Operating Budget. Yeas (5), Nays (0), Absent (0).

**COMMUNITY DEVELOPMENT
04-19-21 VIII**

The following resolution was submitted for approval.

**RESOLUTION APPROVING THE PURCHASE AND DISTRIBUTION OF MEIJER
FOOD CARDS FOR DISTRIBUTION TO ELIGIBLE CDBG FUND RECIPIENTS**

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

WHEREAS, The City of Highland Park received \$50,000 CDBG Funds from Wayne County to assist city residents experiencing food shortages, and;

WHEREAS, normal method of food distribution does not cover all essential needs, and;

WHEREAS, the City of Highland Park has been awarded funds sufficient to purchase 208 cards with a value of \$250.00 per card, and;

WHEREAS, these cards will improve the health and welfare of the eligible recipient, and;

WHEREAS, these funds can only be used for limited purposes such as food.

NOW, THEREFORE, BE IT RESOLVED, that the City Council approve the acceptance of

\$50,000 and purchase and distribution of 208 Meijer food gift cards with a value of \$250.00 for distribution to eligible CDBG Fund recipients. Yeas (5), Nays (0), Absent (0).

**ENGINEERING
04-19-21 IX**

The following resolution was submitted for approval.

A RESOLUTION TO ACCEPT WAYNE COUNTY ANNUAL MAINTENANCE PERMIT A-21058, ANNUAL PAVEMENT RESTORATION PERMIT A-21113, ANNUAL PERMIT FOR SPECIAL EVENTS A-21146 AS REQUESTED BY THE CITY ENGINEERING DEPARTMENT

Moved by Council Pro Tem Patrick
Supported by Councilmember Jackson

WHEREAS, City of Highland Park (hereinafter the "Community") periodically applies to the County of Wayne Department of Public Services, Engineering Division Permit Office (hereinafter the "County") for permits to conduct emergency repairs, annual maintenance work, and for other purposes on local and County road located entirely within the boundaries of the Community, as needed from time to time to maintain the roads in a condition reasonably safe and convenient for public travel;

WHEREAS, pursuant to Act 51 of 1951, being MCL 247.651 et seq., the County permits and regulates such activities noted above and related to temporary road closures;

NOW THEREFORE, BE IT RESOLVED, in consideration of the County granting such permit (hereinafter the "Permit"), the Community agrees and resolves that:

Any work performed for the Community by a contractor or subcontractor will be solely as a contractor for the Community and not as a contractor or agent of the County. Any claims by any contractor or subcontractor will be the sole responsibility of the Community. The County shall not be subject to any obligations or liabilities by vendors and contractors of the Community, or their subcontractors.

The Community shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the Permit which results in claims being asserted against or judgment being imposed against the County, and all officers, agents and employees thereof pursuant to a maintenance contract. In the event that same occurs, for the purposes of the Permit, it will be considered a breach of the permit thereby giving the County a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgement for money damages.

With respect to any activities authorized by Permit, when the Community requires insurance

on its own or its contractor's behalf, it shall also require that such policy include as named insured the County of Wayne and all officers, agents and employees thereof.

The incorporation by the County of this Resolution as part of a permit does not prevent the County from requiring additional performance security or insurance before issuance of a Permit.

This Resolution stipulates that the requesting Community shall, at no expense to Wayne County, provide necessary police supervision, establish detours and post all necessary signs and other traffic control devices in accordance with the Michigan Manual of Uniform Traffic Control Devices.

This Resolution stipulated that the requesting Community shall assume full responsibility for the cost of repairing damage done to the County road during the period of road closure or partial closure.

This Resolution shall continue in force from the date of execution until cancelled by the Community or the County with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the Community with regard to any Permit which has already been issued or activity which has already been undertaken. Yeas (5), Nays (0), Absent (0).

MAYOR
04-19-21 X a

The following veto was received from Mayor Yopp.

When this Honorable Council took its Oath of Office, it vowed to uphold the laws of this State. Because the Budget Amendment Resolution is inconsistent with that obligation, as further set forth below, I am required to veto this Resolution consistent with my duties as Mayor.

This resolution seeks to reduce the City Legal Department budget by \$20,000 in order to increase the City Council Legal budget by the same amount - due to litigation in which the City and City Council have independent counsel, as ruled by Judge Berry. Clearly, the City Legal Department budget, like that of the Council, will be forced to expend additional costs as a result of that litigation. As such, this Resolution is an exercise in bad judgment.

The budget process is among the most fundamental duties of the City Council. Appropriations made through the budget ensure the proper operation of the City and its Departments to ensure the health, safety, and welfare of its residents. Courts have determined that as part of that process, legislative bodies such as this Council are mandated to budget sums sufficient to allow administrative officers to carry out their duties and obligations. *Cahalan v. Wayne County Board of Commissioners*, 93 Mich.App. 114, 122 (1979). Further, legislative action that is capricious or did not arise from an exercise of good judgment or discretion is subject to judicial action *Veldman v. City of Grand Rapids*, 275 Mich. 100, 113 (1936).

Based upon the foregoing, to uphold my Oath of Office and protect the residents of the City of Highland Park, I hereby issue a Mayoral Veto of this Resolution.

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

To override the above veto. Yeas (4) Clyburn, Patrick, Bates and Armstrong, Nays (1) Jackson, Absent (0).

*

04-19-21 X b

The following veto was received from Mayor Yopp.

As a part of good governance, the Legislative branch must work with the Executive Branch in the adoption of policies and procedures. At the City Council meeting held April 5, 2021, the City Council adopted a Resolution that approved a marihuana application that was not reviewed by the City Attorney. This does not adequately protect the City.

Based upon the foregoing, to uphold my Oath of Office and protect the residents of the City of Highland Park, I hereby issue a Mayoral Veto of this Resolution.

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

To override the above veto. Yeas (4) Clyburn, Patrick, Bates and Armstrong, Nays (1) Jackson, Absent (0).

WATER 04-19-21 XI

The following resolution was submitted for approval.

A RESOLUTION APPROVING A CONTRACT BETWEEN THE CITY OF HIGHLAND PARK AND HYDROCORP INC. TO PROVIDE CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION PROGRAM ADMINISTRATION SERVICES

Moved by Councilmember Bates
Supported by Council Pro Tem Patrick

WHEREAS, City Council has the responsibility for approving contracts under Chapter 14 of the Highland Park City Charter; and

WHEREAS, pursuant to Section 208.02 of the Highland Park Code of Ordinances the Water Department advertised a Request for Proposals ("RFP") due March 29th, 2021, to competitively solicit proposals; and

WHEREAS, from the proposal received, the Department has determined that the Contractor's offer is advantageous to the City of Highland Park and the Water Department; and

WHEREAS, the Water Department and the Contractor have also agreed to the pricing listed in the attached letter to City Council; and

WHEREAS, the Contractor has presented that it has the requisite personnel, experience and resources to provide the Services required by the Department and the Contractor desires to provide the Services; and

BE IT RESOLVED, that the Highland Park City Council approves the City entering into a contract with HydroCorp Inc. to provide administration of the City Cross Connection Control and Backflow Prevention Program effective March 1st, 2021. Yeas (5), Nays (0), Absent (0).

COUNCIL AFFAIRS

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

To remove the tie-bar attached to the October 5, 2020 resolution approving the purchase of two police vehicles from Jorgenson Ford using Mideal pricing. Yeas (5), Nays (0), Absent (0).

ADJOURNMENT

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

To adjourn the meeting, motion carried, meeting adjourned at 9:05 p.m.

CERTIFICATE

I hereby certify that the attached is a copy of the minutes of the Virtual Regular Meeting held the 19th day of April 2021 and that said minutes are available for public inspection at the address designated on the posted public notice.



Cidia Wicker-Brown, Deputy City Clerk