

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

June 6, 2022

Council convened at 7:08 p.m. with Council President Clyburn presiding.

Present: Council Pro Tem Patrick, Councilmember Bates, Councilmember Armstrong, and Council President Clyburn (4).

Absent: (1) Councilmember McDonald (excused).

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 the Mayor, a resolution from City Council and 2 resolutions from Public Works. Yeas (4), Nays (0), Absent (1) Councilmember McDonald.

**PUBLIC HEARING
06-06-22 V**

The Clerk stated this was the place and time to hold a Public Hearing to receive citizen's comments regarding the Proposed 2022/23 Operating Budget

No comments were made.

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

To close the Public Hearing. Yeas (4), Nays (0), Absent (1) Councilmember McDonald.
Public Hearing closed at 7:28 p.m.

**VETO
06-06-22 VI**

The following veto was received from Mayor Yopp.

On May 13, 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 Robert Davis. 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).

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.

Pursuant to the Highland Park City Charter Sec. 6-3, Veto of Council Action, no resolution ordinance or resolution of the City Council shall have any force or effect if within five business days after the adoption thereof, the Mayor shall file notice in writing suspending the operation of such ordinance or resolution..., such resolution shall not go into effect unless the City Council, at the next regular meeting..., thereafter vote to adopt such resolution by an affirmative vote of four of its members..., if passed it shall become effective no sooner than 15 days after the time of its last adoption as required herein.

Moved by Councilmember Bates
Supported by Councilmember Armstrong

To override the Mayor’s veto. Yeas (4), Nays (0), Absent (1) Councilmember McDonald.

MAYOR
06-06-22 VII a

**RESOLUTION TO APPROVE THE PROPOSED BUDGET FOR THE PERIOD
JULY 1, 2022 TO JUNE 30, 2023 AS PRESENTED BY MAYOR HUBERT YOPP**

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

WHEREAS, the City of Highland Park is required by the State of Michigan to submit an annual operating budget to accurately reflect current operations; and

WHEREAS, the Mayor of the City of Highland Park submitted a proposed Budget for the year 2022-2023 to the members of Highland Park City Council on May 2, 2022;

WHEREAS, members of the Highland Park City Council held a Public Hearing on Tuesday, June 6, 2022 to review and discuss the proposed Annual Budget for the year 2022-2023; and

WHEREAS, the City of Highland Park shall cause to be levied and collected the general property tax on all real and personal property within the City on the 2022 tax roll an allocated millage of 19.2502 mills for general operations, 2.8874 for rubbish, 22.6485 for pension judgment (13.2116 summer, 9.4369 winter), 2.0435 for Bond Judgment and 0.3406 for an Emergency Loan (millage rates adjusted for Headlee and annual debt schedules); and

WHEREAS, estimated total revenues and expenditures by fund are:

Fund	Revenue	Expenditures
General (101)	\$11,590,214	\$11,590,214
Major Roads (202)	\$1,040,000	\$1,830,000

Local Roads (203)	\$692,900	\$692,900
Federal Grants (234)	\$200,000	\$200,000
CDBG (252)	\$50,000	\$50,000
Forfeiture (267)	\$10,000	\$10,000
Pension Judgment (230)	\$3,402,000	\$3,402,000
Emergency loan (301)	\$143,864	\$143,864
Bond Judgment (351)	\$444,065	\$444,065
Building Department (211)	\$240,000	\$240,000
JAG (214)	\$11,327	\$11,327
MIDC (260)	\$143,892	\$143,892
FIA Building (280)	\$0	\$93,000
Water & Sewer (592)	\$7,244,000	\$7,244,000
ERS (741)	\$620,000	\$422,700
P&F (742}	\$630,000	\$431,000
MERS (743)	\$2,433,300	\$1,868,550
TIFA (248)	\$13,500	\$13,500

NOW, THEREFORE, BE IT RESOLVED that the Highland Park City Council adopts the Proposed Budget for the year 2022-2023 on an activity/department basis as presented by Mayor Hubert Yopp.

BE IT FINALLY RESOLVED that a copy of this resolution becomes a part of the official records of the City of Highland Park. Yeas (4), Nays (0), Absent (1) Councilmember McDonald.

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06-06-22 VII b

The following resolution was submitted for approval.

RESOLUTION TO APPROVE CONTRACT WITH RAPID RESPONSE EMERGENCY SERVICES, LLC TO PROVIDE AMBULANCE TRANSPORTATION SERVICES

WHEREAS, Michigan Public Health Code Act 368 of 1978 specifies requirements for ambulance services for Michigan residents; and

WHEREAS, in conformance to the Michigan Public Health Code, Highland Park seeks to enter into a contract for ambulance transportation services for its residents in the event of medical emergencies; and

WHEREAS, the current EMS provider, Lifeline LLC, is terminating services to the City effective June 10, 2022; and

WHEREAS, the City solicited bids via BidNet for EMS services and received one bid from Rapid Response Emergency Services, LLC at a bid price of \$379,432 annually; and

WHEREAS, Rapid Response Emergency Services, LLC is licensed by the State of Michigan to provide ambulance transportation services and has a proven record of prompt delivery of services; and

WHEREAS, Highland Park wishes to engage Rapid Response Emergency Services, LLC to provide ambulance transportation services to patients and residents of the City, with or without the ability to pay, 24/7, 365 days/year; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, the City approves the contract with Rapid Response Emergency Services, LLC, to provide ambulance transportation services in Highland Park at a cost not to exceed \$379,432 annually. Yeas (4), Nays (0), Absent (1) Councilmember McDonald.

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06-06-22 VII c

The following resolution was submitted for approval.

RESOLUTION TO ACCEPT FIRST RESPONDER TRAINING & RECRUITMENT GRANT

Moved by Councilmember Bates
Supported by Council Pro Tem Patrick

WHEREAS, on February 7, 2022, the City approved a resolution to apply for the State of Michigan First Responder Training and Recruitment Grant; and

WHEREAS, the grant was offered “in an effort to help local units of government address critical needs in recruiting and training first responders”; and

WHEREAS, on May 23, Highland Park was notified that they were the recipients of a \$170,000 grant; and

WHEREAS, the grant will be used to recruit and train new police officers and for Michigan Fire fighters continuing education training; and

NOW, THEREFORE, BE IT RESOLVED that the City accepts the First Responder Training & Recruitment Grant award of \$170,000. Yeas (4), Nays (0), Absent (1) Councilmember McDonald.

**CITY COUNCIL
06-06-22 VIII**

The following resolution was submitted for approval.

RESOLUTION BY THE HIGHLAND PARK CITY COUNCIL MAKING A FORMAL REQUEST THAT THE INVESTIGATIVE FINDINGS UNCOVERED BY INVESTIGATIVE REPORTER ROSS JONES OF WXYZ (CHANNEL 7) DETROIT BE PROVIDED TO THE MICHIGAN STATE POLICE AND THE WAYNE COUNTY PROSECUTORS OFFICE FOR FURTHER INVESTIGATION

Moved by Councilmember Armstrong
Supported by Councilmember Bates

WHEREAS, the Mission of the Highland Park City Council is to implement the City Charter and to make legislative decisions that provide for good government, public peace, health and prosperity for the City, **and**,

WHEREAS, on both May 18th and May 19th, 2022, Investigative Reporter Ross Jones from WXYZ (Channel 7) Detroit brought forth allegations of an illegal search and seizure, illegal confiscation of property and extortion at 14015 Hamilton Avenue, **and**,

WHEREAS, these allegations were supported by video, personal interviews and documents, **and**,

WHEREAS, these allegations were also supported by a Social Media post made by City of Highland Park DPW Director Willie Faison, **and**,

WHEREAS, these allegations also named City of Highland Park Mayor Hubert Yopp and the City of Highland Park City Attorney Terry Ford, **and**,

WHEREAS, there is currently a Civil Case brought forth by the Property Owners of 14015 Hamilton that mirrors the allegations of the Ross Jones Investigative Report, **and**,

WHEREAS, the Highland Park City Council lacks the investigative capability to confirm the allegations made by Investigative Reporter Ross Jones, **and**,

WHEREAS, these allegations, if found accurate, could have Charter Violations attached and Violations of State and Federal Laws, **NOW**,

THEREFORE BE IT RESOLVED, that the Highland Park City Council is making a Formal Request that the Michigan State Police and the Wayne County Prosecutors Office open up an investigation pertaining to Mayor Hubert Yopp, City Attorney Terry Ford and DPW Director Willie Faison based on the allegations made by Investigative Reporter Ross Jones of WXYZ Channel 7 (Detroit) and a copy of this Resolution be sent to both Michigan State Police care of Colonel Joseph Glasper and the Wayne County Prosecutors Office care of Kym Worthy, Wayne County Prosecutor immediately. Yeas (4), Nays (0), Absent (1) Councilmember McDonald.

PUBLIC WORKS
06-06-22 IX a

The following communication was submitted for approval.

**RESOLUTION TO SOLICIT BIDS FOR SIDEWALK REPAIR/REPLACEMENT
ON THE SOUTH SIDE OF SEARS FROM SECOND TO WOODWARD**

Moved by Councilmember Bates
Supported by Councilmember Armstrong

WHEREAS, under Michigan law regarding sidewalks, cities, townships, and municipalities have a duty to maintain sidewalks in reasonable repair; and

WHEREAS, sidewalks throughout the City are in need of repair/replacements; and

WHEREAS, the DPW Director has committed to mapping the sidewalks in need of repair throughout the City prior to future resolutions for sidewalk repair/replacement; and

WHEREAS, the sidewalk in front of the school on the south side of Sears from Second to Woodward is in need of repair/replacement and we wish to do the work before the beginning of the new school year; and

NOW, THEREFORE, BE IT RESOLVED, that the City approves soliciting bids for sidewalk repair/replacement for the south side of Sears from Second to Woodward to be completed before the beginning of the next school year. Yeas (4), Nays (0), Absent (1) Councilmember McDonald.

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06-06-22 IX b

The following resolution was submitted for approval.

**RESOLUTION TO EXTEND STREET SWEEPING CONTRACT FOR
PROGRESSIVE SWEEPING CONTRACTORS, INC. FOR ONE YEAR**

Moved by Councilmember Bates
Supported by Councilmember Armstrong

WHEREAS, on June 3, 2019, the City approved a three-year contract with Progressive Sweeping to sweep City streets; and

WHEREAS, the City of Highland Park has 7 miles of major roadways and 46 miles of local roadways; and

WHEREAS, street sweeping is essential to remove debris from the city streets that clog drains and leave standing water after rain events; and

WHEREAS, the City wishes to extend Progressive Sweepings contract for one year at a total cost of \$247,194, which consists of a spring sweep (requires extensive scraping as in 2021 spring sweep) at a cost of \$163,917 and a fall sweep at a cost of \$83,277 (see attached); and

NOW, THEREFORE, BE IT RESOLVED that the City approves a one-year extension to the Progressive Sweeping Contractors, Inc. contract for a price not to exceed \$247,194 using Act 51 funds. Yeas (4), Nays (0), Absent (1) Councilmember McDonald.

**OUTSIDE COMMUNICATION
06-06-22 IX b**

The following communication was received from Siana Suddeth-Lott

As Instructed in Chapter 1229 of the Highland Park Zoning Ordinances we are submitting, for your approval, plans to build an enclosed chicken run and coop that will house six (6) hens on our property. We understand that roosters are not permitted and therefore are not included in our plans and we have researched the matter to ensure that we only receive hens.

We live in R-UV District, with only one (1) dwelling on our parcel. We have no immediate neighbors on either side or towards the back of our parcel as there is an abandoned house on one side, several vacant lots on the other and a row of abandoned burned homes across the alley.

The shelter will be robust and will be fully enclosed with a metal chain-link fence, metal roof and will have hardware cloth buried around the perimeter and attached to the fencing to prevent animals from separating the metal mesh from the fence or digging into the shelter.

Feed will be stored in the garage in metal bins so that it does not attract unwanted animals. Food will not be left out overnight in the coop.

We will not be slaughtering birds on our property and will keep the coop as clean as possible for our health and the health of our chickens.

Lastly, we have letters signed by our closest neighbors located at 87 Grove, 88 Grove, and 97 Grove stating that they consent to our keeping chickens.

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

To forward to the Legal Department for an opinion. Yeas (4), Nays (0), Absent (1)
Councilmember McDonald.

ADJOURNMENT

Moved by Councilmember Bates
Supported by Councilmember Armstrong

To adjourn the meeting, motion carried, meeting adjourned at 8:23 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 6th of June 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