

**MINUTES OF THE  
REGULAR MEETING OF THE HIGHLAND PARK CITY COUNCIL  
JANUARY 7, 2013**

**Council convened at 7:08 p.m. with Council President Christopher Woodard presiding.**

**Present: Council Pro-Tem Lewis, Councilmember Moore, Councilmember Patrick,  
Councilmember McClary and Council President Woodard (5).**

**Absent: None (0).**

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

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**APPROVAL OF AGENDA:**

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

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

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

**To approve the minutes from the Workshop Meeting held on December 17, 2012.  
Yeas (5), Nays (0)**

**To approve the minutes from the Regular Meeting held on December 17, 2012 with  
the following insertion: Councilmember McClary left the meeting before adjournment for  
technical reasons. Yeas (5), Nays (0), Absent (0).**

**PUBLIC HEARING:**

**The Clerk stated this was the place and time to continue the public hearing held on  
December 17, 2012 considering the granting of a Personal Property Tax Exemption**

**Certificate under P.A. 328 of 1998 as amended to LEAR CORPORATION, located at 13000 Oakland Park Blvd., Highland Park, MI 48203.**

**The representative's from LEAR CORP Kirk Fisher and Bill McCauley thanked the council and the citizens for welcoming the company to Highland Park.**

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

**To close the public hearing. Yeas (5), Nays (0), Absent (0).**

**\*\*\***

**TABLE ITEM:**

**01-07-I**

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

**To remove the following resolution from the table. Yeas (5), Nays (0), Absent (0).**

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

**BE IT RESOLVED, that the Highland Park City Council approve the settlement of the matter Darrell Harris v. The City of Highland Park, Case No. 11-006042-NO, Wayne County Circuit Court, in the amount of Six Thousand Dollars (\$6,000.00). Yeas (5), Nays (0), Absent (0).**

**\*\*\***

**ADMINISTRATION:**

**01-07-II**

**The following resolution was submitted by administration.**

**RESOLUTION TO APPROVE AN AGREEMENT FOR NATURAL GAS  
BETWEEN REALGY ENERGY SERVICES AND THE CITY OF HIGHLAND PARK**

**BE IT RESOLVED, that the Highland Park City Council approves an agreement between the City of Highland Park and Realgy Energy Services to provide natural gas to the buildings currently owned by the City of Highland Park.**

**NO ACTION WAS TAKEN**

**LEGAL:**

01-07-III

The following resolution was submitted for approval.

**BE IT RESOLVED**, that the Highland Park City Council will hold a closed session on Wednesday, January 9, 2013 at 6:30 p.m. to discuss the following pending litigation: Wendy Turner Lewis, as Chapter 7 Trustee in Bankruptcy and Brenda Perkins v. City of Highland Park and Hubert Yopp, Case No. 12-000558-CD and Daniel Jonoshies v. City of Highland Park, Hubert Yopp, Glenn Quaker and Theodore Cadwell and Homevestors LP v City of Highland Park, Case No. 12-003103-NZ.

Moved by Councilmember McClary  
Supported by Council Pro Tem Lewis

The original requested date and time to meet in closed session posed a conflict with some of the councilmember's schedule therefore, council voted to meet on Thursday, January 10, 2013 at 6:30 p.m. Yeas (5), Nays (0), Absent (0).

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**COMMUNITY DEVELOPMENT:**

01-07-IV.

The following bid tabulation for Bid Pack 13 was submitted for approval and award to the most responsive and lowest bidder.

235 Cortland

Farrow	\$ 104,043.39
*Blue Star	69,400.00
Adamo	99,000.00
Able	91,900.00

18 W. Grand

Farrow	\$105,054.44
* Blue Star	76,408.00
Adamo	112,500.00
Able	85,900.00

**\* MOST RESPONSIVE AND LOWEST**

16449 Hamilton

Farrow	\$15,806.15
Blue Star	27,600.00
Adamo	32,200.00
**Able	30,700.00

\*\* conditional because of time sensitive

16627 Hamilton

Farrow	\$12,102.50
Blue Star	15,800.00
Adamo	21,700.00
***Able	11,600.00

\*\*\* conditional 2<sup>nd</sup> most responsive lowest bidder

Moved by Council Pro Tem Lewis  
Supported by Councilmember McClary

To award the above bids to the most responsive bidder. Yeas (5), Nays (0), Absent (0).

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01-07-IV.a

The following resolution was submitted for approval.

Moved by Council Pro Tem Lewis  
Supported by Councilmember Moore

**RESOLUTION APPROVING A NEW PERSONAL PROPERTY EXEMPTION APPLICATION FOR LEAR CORPORATION LOCATED AT 21557 TELEGRAPH ROAD, SOUTHFIELD, MICHIGAN 48033**

WHEREAS, pursuant to P.A. 328 of 1998, as amended, after duly noticed public hearing, the City Council of the City of Highland Park, an eligible distressed area as defined in Section 11 of the State Housing Development Authority Act of P.A. 346 of 1966, by resolution, established a District named the Oakland Park Industrial Development District; and

WHEREAS, the applicant LEAR CORPORATION a manufacturing eligible business, has filed an application for Exemption of New Personal Property to be located in the Oakland Park Industrial Development District; and

WHEREAS, before acting on said application, the City Council of the City of Highland Park held a public hearing on December 17, 2012 at 12050 Woodward, City of Highland Park at 7:00 p.m. at which the Applicant and a representative of the effected taxing units were given written notice and were afforded an opportunity to be heard on said Application; and now therefore be it;

RESOLVED by the City Council of the City of Highland Park that the granting of the Exemption of New Personal Property currently in force under P.A. 328 of 1998, as amended, shall not have the effect of substantially impeding the operation, or impairing the financial soundness of the taxing unit which levies ad valorem property taxes in the City of Highland Park and The New Personal Property Exemption when issued shall be, and remain in force and effective for a period of Twelve Years (12 Years), beginning January 1, 2014 and ending December 31, 2026; and be it

FURTHER RESOLVED that the Application submitted by LEAR CORPORATION, is for an Exemption of New Personal Property that will be located in the following described parcel of real estate situated within the City of Highland Park, in an

**Industrial Development District named Oakland Park IDD. Yeas (4), Nays (1)  
Councilmember McClary, Absent (0).**

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**POLICE DEPARTMENT:**

**01-07-V**

**The following communication was received from the Chief of Police.**

**The Police Department is seeking City Council approval to sell surplus vehicles. A resolution has been submitted.**

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

**RESOLUTION DECLARING SURPLUS PROPERTY FOR THE HIGHLAND  
PARK POLICE DEPARTMENT**

**BE IT RESOLVED, that the Highland Park City Council declares that the following property belonging to the Highland Park Police Department is surplus:**

- . Vehicle Code 31 – Ford Taurus**
- . Vehicle Code (Unknown) – Dodge full size van**
- . Vehicle Code 081616 – Ford Crown Victoria**
- . Vehicle Code 050604 – Ford Crown Victoria**
- . Vehicle Code 0816119 –Ford Crown Victoria**
- . Vehicle Code 051612 - Ford Crown Victoria**
- . Vehicle Code 991605 - Ford Explorer**
- . Vehicle Code (Unknown) – White Ford Crown Victoria**
- . Vehicle Code 75 - Ford Van**

**;and be it**

**FURTHER RESOLVED that the Highland Park Police Department may sell the above vehicles for an amount equal to Three Thousand Nine Hundred and Fifty Dollars (\$3,950.00) Yeas (5), Nays (0), Absent (0).**

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**FIRE DEPARTMENT:**

**01-07-VI**

**The following communication was submitted by the Fire Chief.**

**The Fire Department respectfully asks if we could please be put on the agenda for the City Council workshop meeting on January 7, 2013. The purpose of the request is to inform the Council of the possible sale of some of the current city fire apparatus to repair our current fleet. Also I would like to discuss other issues concerning the department.**

**This item was received and filed.**

**ADJOURNMENT:**

**Moved by Council Pro Tem Lewis**

**Supported by Councilmember Moore**

**To adjourn this meeting; motion carried meeting adjourned at 9:10 p.m.**

**Stratford Improvement Co.**

156 Winona – new roof \$11,575  
207 Florence – new roof \$9,875  
106 Eason – new roof \$10,775  
229 Tennyson- new roof \$9,850

**Priceless Preservations**

156 Winona – new roof \$7,498  
207 Florence – new roof \$8,000  
106 Eason – new roof \$11,498  
229 Tennyson – new roof \$7,998

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

**To refer the above bids to Community Development for a report and  
recommendation. Yeas (5), Nays (0), Absent (0).**

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**UNFINISHED BUSINESS:**

**ORDINANCE:**

19

**That the proposed ordinance to amend Part II, Chapter 230 of the City of Highland Park  
Municipal Code to provide for the opportunity of secondary employment for Highland  
Police officers be placed on the order of first reading.**

**Ordinance No. \_\_\_\_\_ 2012**

## Summary

An ordinance to amend Title II of the City code by adding Section 230.03 to provide for the opportunity for Highland Park police officers to participate in secondary employment program assignments to protect life and property, to keep the peace and to enforce the provisions of this Code, state law and where applicable, federal statutes, at the designated location of the secondary employer, provided that any employment under this division shall be secondary and subject to all of the primary obligations imposed upon police officers pursuant to the charter for the City of Highland Park, this Code, state law, their respective collective bargaining agreements and any applicable provisions of the Highland Park Police Department Manual concerning the employment of police officers, including work rules,

**SECTION 1.** The City of Highland Park does hereby ordain as follows: It is hereby ordained by the People of the City of Highland Park that it amends Title II of the municipal code by adding subsection 230.03 to the municipal code.

### **230.03 Establishment.**

There is hereby created and established a Secondary Employment Program for the police department of the City of Highland Park.

**(1). Secondary Employment Program. Definitions:** For purposes of this division, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**“Chief of Police”** means the chief executive of the City of Highland Park Police Department who is appointed and serves in accordance with the Charter of the City of Highland Park.

**“City”** means the City of Highland Park, a municipal corporation.

**“Outside Employment”** means employment that is neither by the City of Highland Park nor secondary employment.

**“Secondary employer”** means an approved third-party who provides secondary employment to any police officer.

**“Secondary employment”** means outside employment performed by a police officer’s where:

1) The police officer is employed by a secondary employer at an assigned location within the City pursuant to an approved agreement between the police officer and the secondary employer;

2) Payment is made to the police officer by a secondary employer, as defined by this section; and

3) The approved secondary employment agreement is managed through the City of Highland Park Police Department.

**(2) Purpose and scope of secondary employment program.** The primary purpose of police officers working secondary employment assignments pursuant to this division shall be to protect life and property, to keep the peace, and to enforce the provisions of this Code, state law and, where applicable, federal statutes, at the designated location of the secondary employer, provided, that any employment under this division shall be secondary, and subject to all of the primary obligations imposed upon police officers pursuant to the Charter for the City of Highland Park, this Code, state law, their respective collective bargaining agreements, and any applicable provisions of the Highland Park Police Department Manual concerning the employment of police officers, including work rules. This division does not apply to outside employment.

**(3) Secondary Employment Program policies, rules, regulations and procedures; administration.** The Mayor, or his or her designee, shall establish the policies, rules, regulations and procedures for administering and implementing the Secondary Employment Program in accordance with this chapter, provided that any policies, rules, regulations and procedures shall be consistent with the purpose and scope of the program. The Secondary Employment Program shall be administered without regard to age, race, religion, color, national origin gender, physical impairment, or other criteria prohibited by state or federal law, or by this Code.

**(4) Secondary Employment Program standard agreement and services fees; payment of court time as a result of a police officer's secondary employment.** The Mayor, or his or her designee, shall develop a standard agreement that is consistent with the requirements of this division to be used for all secondary employment. The Mayor or his or her designee shall establish service fees for the administration of the Secondary Employment Program. Secondary Employment Program fees may be exempt from payment to the City for the following reasons:

- a) A person using City-Owned or controlled facilities, including, but not limited to, City parks and outdoor public properties that are owned and controlled by the City; or
- b) A person with a prior existing agreement with the City to employ police officers for private security or special events.

The Mayor, or his or her designee, shall establish written procedures for the exemption of payment of administrative fees to the City as provided for in subsections a. and b. above. A secondary employer shall be responsible for payment to the City of Highland of any court time necessitated as a result of any incident arising out of a police officer's secondary employment activity at an assigned location.

**(5) Requests for secondary employer approval, investigation and determination; requirements upon approval; police officers requests for approval.** No person shall make an agreement with or employ or retain any police officer for the purpose of providing any uniformed or non-uniformed security, patrol, private investigation or surveillance, traffic control, personal-security services, or other law-enforcement related or security-related

services without first receiving approval as a secondary employer from the Mayor or his or her designee.

a) Any person who requests services of a police officer for secondary employment under this division shall submit a request for approval to the Mayor, or his or her designee.

b) Upon receipt of a request for approval of a person as a secondary employer, the request shall be reviewed and an investigation of the person and location for employment must be made to determine.

1) Whether the person has failed to comply with any requirement of this Code, police department rules, regulations, policies and procedures pertaining to the Secondary Employment Program;

2) Whether the location for the secondary employment of the police officer is in compliance with the provisions of this Code, including payment to the City of Highland Park of any outstanding assessments, fees, and taxes for the location.

3) Whether the location of the secondary employment possesses any required license or permit required under this Code or by the State of Michigan; and

4) Whether there is any information concerning the person or location that would support a determination that approval of the request would not be consistent with this Code, or the police department's rules, regulations, policies and procedures pertaining to the Secondary Employment Program, or in the best interests of the City,

c) Upon approval of a request to accordance with this section, the secondary employer shall:

1) Agree to maintain a record of each police officer's hour of work and make payment to the police officer for all hours worked; and

2) Authorize inspection of the business premises, as reasonably requested by the administration for the purpose of assuring that the premises and the activities of the secondary employer are in compliance with this division, including the terms and conditions of the secondary employment agreement.

d) A police officer who requests secondary employment under this division shall submit a request to the administration.

6) **Indemnification: Insurance requirements; approval by Law Department.** The secondary employment program shall require a secondary employer to enter into a written agreement to indemnify and hold the City of Highland Park, its elected officials and its employees harmless against and from any and all liabilities, obligations, damages, penalties, claims, costs, charges, losses and expenses, including without limitation, fees and expenses for attorneys, expert witnesses and other consultants, that may be imposed upon, incurred by or asserted against the City of Highland Park or its elected officials, employees, or agents based on any actual or alleged actions, omissions, negligence, or intentionally tortuous conduct of;

a) The secondary employer, or its officers, agents or employee; or

- b) The participation police officer; or
- c) Both.

The secondary employer shall maintain, at a minimum and its expense:

a) Worker's Compensation insurance covering its employees, including the participating police officers; and

b) Commercial general liability insurance (broad form comprehensive) in the amounts of one million dollars (\$1,000,000.00) for each occurrence and two million dollars (\$2,000,000.00) in the aggregate, which shall name the City of Highland Park, the participating police officer, and employees as additional insured and state that the secondary employer's insurance is primary and not in excess of any insurance or self-insurance program already carried or maintained by the City of Highland Park.

The Law Department shall approve the indemnification agreement and the insurance coverage to ensure that the secondary employer is in compliance with the requirements of this section.

7) Grounds for suspension or revocation of approval of secondary employment agreement. A secondary employment agreement that is entered into in accordance with this division may be suspended or revoked by the administration upon any of the following grounds:

a) The secondary employer is not operating the business in compliance with the requirement of the applicable provisions of this Code; or

b) The secondary employer is not in compliance with the requirements of the Police department's rules regulations, policies and procedures; or

c) The secondary employer has failed to maintain insurance coverage that is required by the Code; or

d) In the judgment of the administrator, continuation of the secondary employment agreement with the secondary employer is not in the best interest of the City of Highland Park or its police department.

8) Suspension or revocation of approval of secondary employment agreement; procedure; finality of decision by administrator.

a) Where it appears that grounds exist for the administrator to suspend or revoke an existing secondary employment agreement with a secondary employer, the administrator shall send a written notification to the secondary employer with the specified reason or reasons for the suspension or revocation of the secondary employment agreement.

b) The secondary employer shall be given ten (10) days from the date of mailing of the notice of suspension or revocation to provide information to the administrator to support the continuation of the secondary employment agreement.

c) After review of the information submitted concerning the notice of suspension or revocation, the administrator shall make a recommendation to suspend, revoke or continue the secondary employment agreement.

d) The decision of the administrator is final.

(9) Requests by police officers for secondary employment; procedure, expiration of requests, rates of compensation.

a) A police officer who is interested in working secondary employment shall apply by completing a Secondary Employment request in writing. The request shall be submitted to the police officer's immediate supervisor.

b) The final decision on the suitability of any police officer's secondary employment assignment is within the purview of the Chief of Police, or his or her designee.

c) The rate of compensation for a police officer engaged in the performance of any approved uniformed or non-uniformed security, patrol, private investigation or surveillance, traffic control, personal-security service, or other law-enforcement or security-related services, secondary employment under this division shall be at the police officer's highest established hourly rate for his or her rank.

(10) Recall of police officers from active secondary employment work assignment. The primary duty of police officers working secondary employment assignments shall be to protect life and property, to keep the peace, and to enforce City ordinances, and state and where applicable, federal law. Accordingly, as determined by the Chief of Police, or his or her designee, participating police officers may be recalled immediately from a secondary employment work assignment to an on duty status. Any recall shall not be considered a suspension or revocation of an existing secondary employment agreement, but a permitted condition under the secondary employment agreement.

**SECTION 2. Repeals.** All ordinances inconsistent with the provision of this ordinance are hereby repealed.

**SECTION 3. Savings Clause.** In the event that provisions of this ordinance are struck down or found unconditional, the remaining provisions shall remain in effect.

**SECTION 4.** This ordinance shall go into effect upon publication and or posting as provided in the City Charter.

Moved by Council Pro Tem Lewis  
Supported by Councilmember McClary

To continue to table this ordinance until the contract requested by council is submitted. Yeas (4), Nays (1) Councilmember Patrick, Absent (0).

\*

**NEW BUSINESS:**

**ADMINISTRATION**

26 The following resolution was received from administration.

Moved by Councilmember McClary  
Supported by Council Pro Tem Lewis

**RESOLUTION TO INTRODUCE FOR FIRST READING A NEW ORDINANCE TO AMEND CHAPTER EIGHT, SECTION 802.10 OF ORDINANCE NO. 1118 OF 1982 BUSINESS LICENSE BY ADDING A NEW SUBSECTION (e) TO REQUIRE BUSINESS LICENSE APPLICANTS WHO HAVE NOT HAD A BUSINESS LICENSE FOR THREE YEARS OR MORE APPLY AS NEW APPLICANTS.**

**WHEREAS, the City wants to ensure that its business meet the requirements of its business license ordinance; and**

**WHEREAS, the City believes that we need to bring all businesses into compliance whether they are old or new business applicants; and**

**WHEREAS, we need to have current records and inspection information on all businesses operating in the City of Highland Park; and**

**WHEREAS, we have a need clarify and reinforce the requirements of businesses in the City.**

**NIW THEREFORE, BE IT RESOLVED THAT: The City Council hereby introduces for first reading an ordinance to require that businesses that have failed to comply with the requirement to have a business license for three years or more shall be required to apply for a business license as a new business applicant and have their business license approved by the City Council. Yeas (5), Nays (0), Absent (0).**

\*

**ORDINANCE:**

27 **AMENDED ORDINANCE 1118 (E) – 2012**

## Summary

An ordinance to amend Section 802.10 of the Business Licenses Chapter of the City Code to add subsection (e) to provide that businesses which have not renewed their business license for three years or more shall be required to apply as if a new business. Such businesses shall have their new applications approved by City Council.

**SECTION 1.** The City of Highland Park does hereby amend Section 802.10 by adding subsection (e) and hereby ordains as follows:

### Section 802.10 License Term Fees; Refunds; Renewals

(e) ANY BUSINESS WHICH HAS NOT RENEWED ITS LICENSE WITH THE CITY CLERK FOR A PERIOD OF THREE OR MORE YEARS SHALL BE REQUIRED TO APPLY FOR A BUSINESS LICENSE AS THOUGH IT WERE A NEW BUSINESS APPLICANT. ALL OF THE REQUIREMENTS FOR A NEW BUSINESS LICENSE SHALL BE APPLICABLE TO SUCH BUSINESSES. APPROVAL BY CITY COUNCIL SHALL BE REQUIRED.

**SECTION 2.** Repeals. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

**SECTION 3.** Savings Clause. In the event that provisions of this ordinance are struck down or found unconstitutional, the remaining provisions shall remain in effect.

**SECTION 4.** Effective Date. This ordinance shall have immediate effect upon publication and or posting by the City Clerk as provided in the City Charter.

Council President Woodard stated this was the First Reading to amend Ordinance 1118 Chapter Eight, Section 802.10.

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## LEGAL:

28 The following resolution was received from the Legal Department.

### RESOLUTION TO APPROVE RESIDENTIAL ADJACENT LOT PURCHASE OF VACANT LOT AT

WHEREAS, the property located at 114 and 120 Ford is a vacant lot owned by the City of Highland Park; and

WHEREAS, the adjacent property owner, David Forsythe wants to purchase the property; and

**WHEREAS, the proposed purchaser meets the criteria approved by the City Council for the single lot residential purpose program; and**

**WHEREAS, the purchaser agrees to comply with the provisions of the program and the city ordinance regarding such purchase;**

**NOW HEREBY BE IT RESOLVED that the Highland Park City Council approves the sale of 114 and 120 Ford Street for the amount \$500.**

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

**To approved the resolution for David Forsythe to purchase the vacant lots located at 114 and 120 Ford. Yeas (5), Nays (0), Absent (0).**

**\***

**29 The following resolution was received from the Legal Department.**

**RESOLUTION TO APPROVE RESIDENTIAL ADJACENT LOT  
PURCHASE OF VACANT LOTS AT 132 AND 138 LOUISE**

**WHEREAS, the property located at 132 Louise are vacant lots owned by the City of Highland Park; and**

**WHEREAS, the adjacent property owner, Bobbie Tufts of 136 Louise wants to purchase the property for herself and Augusta Tufts; and**

**WHEREAS, the proposed purchaser meets the criteria approved by the City Council for the single lot residential purchase program; and**

**WHEREAS, the purchaser agrees to comply with the provisions of the program and the city ordinances regarding such purchase;**

**NOW HEREBY BE IT RESOLVED that the Highland Park City Council approves the sale of 132 and 138 Louise to adjacent property owner Bobbie Tufts for the total amount of \$500 (\$250 per lot); and**

**BE IT FURTHER RESOLVED that the City Council authorizes the administration to take the necessary step to facilitate the sale of the vacant lots Bobbie Tufts and Augusta Tufts.**

**Moved by Councilmember McClary  
Supported by Councilmember Moore**

To approve the resolution for Bobbie Tufts to purchase vacant lots at 132 and 138 Louise. Yeas (5) Nays (0), Absent (0).

\*

30 The following resolution was received from the Legal Department.

**RESOLUTION TO APPROVE RESIDENTIAL ADJACENT LOT PURCHASE OF VACANT LOT AT 312 W. BUENA VISTA**

WHEREAS, the property located at 312 W. Buena Vista is a vacant lot owned by the City of Highland Park; and

WHEREAS, the adjacent property owner, James Griffin of 316 W. Buena Vista wants to purchase the property; and

WHEREAS, the proposed purchaser meets the criteria approved by the City Council for the single lot residential purchase program; and

WHEREAS, the purchaser agrees to comply with the provisions of the program and the city ordinance regarding such purchase;

NOW HEREBY BE IT RESOLVED that the Highland Park City Council approves the sale of 312 W. Buena Vista to adjacent property owner James Griffin for the amount of \$250; and be it

FURTHER RESOLVED that the City Council authorizes the administration to take the necessary steps to facilitate the sale of the vacant lot to James Griffin. Yeas (5), Nays (0), Absent (0).

\*

31 The following resolution was received from the Legal Department.

**RESOLUTION REQUESTING CITY COUNCIL APPROVAL OF SETTLEMENT OF THE LAWSUIT OF JOHN SMITH v. CITY OF HIGHLAND PARK, ET AL, WAYNE COUNTY CIRCUIT COURT CASE NO 11-008561 CK**

WHEREAS, a lawsuit has been filed by the Plaintiff, John Smith against the City of Highland Park and it's elected Officers and the Finance Director; and

WHEREAS, the Plaintiff is seeking recovery and reinstatement as a member of the City's Public Safety Pension Plan; and

WHEREAS, the City Attorney with staff has reviewed this matter and apprised the Mayor and City Council regarding the facts and the law regarding this matter; and

WHEREAS, it is the opinion of the city attorney that it is in the best interest of the City to settle this matter by reinstating the plaintiff as a participant and beneficiary of the pension plan and paying plaintiff his back pension payments and the monetary value of his fringe benefits in accordance with the settlement agreement;

NOW THEREFORE BE IT RESOLVED that the City Council accepts the recommendation of the Mayor and City Attorney to settle this matter in accordance with the proposed settlement agreement and authorizes the mayor and city attorney to take necessary steps to implement the agreement.

Moved by Councilmember Patrick  
Supported by Council Pro Tem Lewis

To approve the above resolution to settle the lawsuit of John Smith v. City of Highland Park. Yeas (4), Nays (0), Abstain (1) Councilmember McClary.

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**COMMUNITY DEVELOPMENT:**

32 The following request was received from CED Director, Sandy McDonald.

Re: Approval of contract for Valve and Hydrant replacement.

Bid Tabs Valve and Hydrant Replacement:

Joy Construction    Farrow Group    Richard's Plumbing & Sewer Cleaning, Corp.

\$67,760.00            \$126,000.00            \$104,000.00

Joy Construction came in at the lowest bid and provided all necessary paperwork.

Farrow Group came in at the highest bid and provided all necessary paperwork.

Richard's Plumbing was not compliant; they did not include license and insurance with their bids as requested.

CED is recommending that Joy Construction be awarded the contract for Valves and Hydrant replacement at locations listed below.

Job locations:

1. Hill and Hamilton
2. Cortland and Woodward
3. Second and Glendale
4. W. Buena Vista and Second

5. Florence and Woodward
6. Geneva & Hamilton on the N.E. Corner Geneva & Hamilton on the NW Corner
7. Highland and Hamilton
8. W. Buena Vista and Hamilton
9. Geneva and Woodward
10. 217 Connecticut – Front
11. Pasadena and Hamilton
12. Grove and Third
13. Bartlett and Woodward
14. Tyler and Woodward
15. Tyler and Lincoln
16. Colorado and Woodward
17. Six Mile and Woodward - S.E. Corner

Moved by Councilmember McClary  
Supported by Council Pro Tem Lewis

To approve Joy Construction the contract for Valve and Hydrant replacement. Yeas (5), Nays (0), Absent (0).

**OUTSIDE COMMUNICATION:**

33 The following communication was received from City of Detroit, Water and Sewerage Department.

Re: DWSD FY 2012/13 Water and Sewerage Rates and Charges

On March 7, 2012 the Board of Water Commissioners approved water and sewer rates for Fiscal Year 2012/13.

These rates reflect our ongoing efforts to control expenditures and our commitment to providing reliable quality water and wastewater services to you.

The benefit of your participation through the collaborative process of the Technical Advisory Committee (TAC) and the Steering Committee (SC) continue to provide valuable recommendations for both our water supply and sewage disposal systems.

The rates and charges applicable to you are indicated on the enclosed document (s). These rates and changes are effective on all bills rendered by the Detroit water and Sewerage department as of August 1, 2012. They will apply to flows and/or usage beginning July 1, 2012.

If you have any questions regarding this matter please contact the Financial Planning Division-Rates Section at (313) 964-9202.

The above communication was received and filed.

**Moved by Councilmember McClary  
Supported by Council Pro tem Lewis**

**To adjourn this meeting 9:45 p.m. motion carried**



**CERTIFICATE**

**I, hereby certify that the attached is a copy of the proposed minutes of a Regular Meeting held on the 7th day of January, 2013 and that said proposed minutes are available for public inspection at the address designated on the posted public notice.**

  
\_\_\_\_\_  
**Brenda J. Green, City Clerk**

