

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

**DECEMBER 15, 2014**

**Council convened at 7:10 p.m. with Council President Christopher Woodard presiding.**

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

**Absent: None (0).**

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

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**APPROVAL OF AGENDA**

**Moved by Councilmember McClary  
Supported by Councilmember Patrick**

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

**\*\*\***

**APPROVAL OF MINUTES:**

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

**To table the minutes from the Special Meeting held September 17, 2014. Yeas (5), Nays (0), Absent (0).**

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

**To approve the minutes from the Regular Meeting held October 20, 2014. Yeas (5), Nays (0), Absent (0).**

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

**To approve the minutes from the Regular Meeting held December 1, 2014. Yeas (5),  
Nays (0), Absent (0).**

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**PUBLIC HEARING:**

**The Clerk stated this was the time and place to obtain views from the community on  
the proposed use of the City of Highland Park's FY 2015 CDBG allocation.**

**Mr. Starks, CED Director answered questions and concerns from the citizens and  
council members regarding what the funds can and cannot be used for.**

**Moved by Councilmember McClary  
Supported by Councilmember Patrick**

**To close the Public Hearing. Yeas (5), Nays (0), Absent (0).**

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**ORDINANCE: 1<sup>ST</sup> READING:**

**Proposed ordinance to amend part VIII by repealing ordinance 512 of 1959 and  
Ordinance 1099 of 1982 of their entirety and substituting \_\_\_\_\_, Chapter 874 into the City  
of Highland Park Municipal code to allow for street vendors.**

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

**That the Ordinance be placed on the order of first reading by title.  
Yeas (4), Nays (1) Councilmember McClary, Absent (0).**

**Council President Woodard states:  
"THIS SHALL BE KNOWN AS THE FIRST READING OF THE ORDINANCE"**

PROPOSED ORDINANCE TO AMEND PART VIII, BY REPEALING ORDINANCE 512 OF 1959 AND ORDINANCE 1099 OF 1982 OF THEIR ENTIRETY, AND SUBSTITUTING \_\_\_\_\_, CHAPTER 874 INTO THE CITY OF HIGHLAND PARK MUNICIPAL CODE TO ALLOW FOR STREET VENDORS.

Ordinance No. 01099 2014

#### Summary

An ordinance to amend Title VIII of the City code by amending Section 874 to allow and regulate for street vendors. Thereby repealing ordinance 512 and ordinance 1099 of the municipal code for the City of Highland Park.

**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 VIII of the municipal code by substituting \_\_\_\_\_ 2012, Section 874 to the municipal code and repealing ordinance 512 and ordinance 1099.

**874.01 Street Vendor.** Definitions. For purposes of this division, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Approved location” means a location that has been approved for stationary vending by the police department in accordance with this article.

“Approved removable stand” means structures and/or table, not including a pushcart, approved in accordance with this article by the police department for stationary vending that does not exceed four (4) feet in width, eight (8) feet in length (parallel to the curb), and eight (8) feet in height that has been approved for use by a licensed stationary vendor at an approved location.

“Food” means any products sold for human consumption, the sale of which is not prohibited by law.

“Pushcart” means a trailer, kiosk, or portable stand designed to be readily moveable from which goods or food are sold from a public sidewalk and not a public street, highway, or public parking space.

“Food service establishment” means a fixed or mobile restaurant, pushcart, coffee shop, cafeteria, short order café, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern bar, cocktail lounge, nightclub, drive-in, industrial caterer, private organization serving the public, rental hall, catering kitchen, delicatessen, theater, commissary, or similar place where food or drink is prepared for direct consumption through service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public, except as provided by Section 1107(k) of the Michigan Food Law of 2000, being MCL 289.1107(k).

“Vehicle” means a self-propelled motor vehicle used by a vendor designed for transit on streets and highways.

“Vendor” means:

- (1) Any person, traveling by foot or vehicle from street to street carrying and selling food or goods; or
- (2) Any person, who without traveling by foot or vehicle, exhibits, displays, and sells food or goods from a pushcart, or an approved removable stand at an approved location on a city sidewalk.

#### 874.02 LOCATION

All vendors, after being approved by Council, are allowed to vend along Woodward Avenue in a pre-designated location determined by Council.

#### 874.03 LICENSE REQUIRED

No person shall engage in the business of a street vendor in the City without first obtaining a license from Council, this includes vending on both public and private property.

#### 874.04 LICENSE APPLICATIONS; INVESTIGATIONS.

An application for the license required by Section 874.02 shall be made in writing to Council upon forms furnished by the City and shall be filed with the City Clerk. The application shall give all such information as may be deemed necessary for the proper enforcement of this chapter including:

1. Vendor’s Application
2. Copy of Driver’s License/State ID
3. Police Clearance/Background Check (at the vendors expense)
4. A brief description as to what will be sold
5. Food Handlers Certification if applicable
6. A \$1000 Bond if you are a Non-Food & Beverage Vendor
7. Commercial General Liability Insurance that names the City of Highland Park as an additional insured in an amount not less than one million dollars (\$1,000,000.00). Additional insured language must agree to defend, indemnify, and hold harmless the City of Highland Park, its officials, officers, employees and agents against liability, claims, causes of action, judgments or expenses, including reasonable attorney fees, resulting directly or indirectly from any act or omission of the license, its employees, its subcontractors and anyone for whose acts or omissions they may be liable, arising out of the license’s use or occupancy of the public street, highway or public parking spaces.

#### 874.05 GRANTING OF LICENSE; CONDITIONS.

If Council is satisfied that the applicant under Section 874.03 is a suitable person to engage in the business of a street vendor, and that the granting of such license will not be detrimental to the interests of the public, it shall grant the license, provided that:

- (a) The applicant is a citizen of the United States or has declared his or her intention of becoming a citizen of the United States;
- (b) The applicant has not been convicted of a felony;
- (c) The applicant's weights and measures have been sealed and approved according to law; and
- (d) The applicant's fingerprints have been taken by the Police Department.

#### **874.06 LICENSE ISSUANCE; FEES.**

When a license under this chapter has been granted, the City Clerk shall issue the same upon payment by the applicant to the City Treasurer of the following fees:

- (a) For a street vendor who uses a truck or vehicle- five hundred fifty dollars (\$550);
- (b) For a street vendor who uses a handcart, pushcart, or kiosk ~~225~~ ~~(\$)~~

#### **874.07 CONTENTS OF LICENSE.**

A street vendor's license shall contain:

- (a) The applicant's name, current business address and telephone number.
- (b) Current government-issued identification document with photo of the applicant and any designated agent or person proposed to conduct mobile vending.
- (c) The name under which the mobile vendor will be doing business.
- (d) A brief description of the nature of the mobile vending operation and the items to be sold, including whether the licensee will be selling food products.
- (e) County health permit, if applicable.
- (f) A description of all vehicles to be used in the mobile vending operation, including the Michigan license plate number(s) and a complete copy of the current Michigan vehicle registration(s) and proof of vehicle insurance for each proposed mobile vending unit or mobile food vending unit.
- (g) Whether the applicant has ever had a mobile vendor license revoked or suspended and the date and jurisdiction of the denial, suspension or revocation.

#### **874.08 DISPLAY OF LICENSE**

Any license issued to the street vendor shall be displayed on the mobile vending unit and shall be produced upon request of any law enforcement officer, city code inspector or county health inspector. In the case of a mobile food vendor, any required health inspection certificate shall also be displayed on the mobile vending unit. Any change in the information requested in the application shall be provided to the city clerk within ten calendar days of any such change.

#### **874.09 REVOCATION OF LICENSE**

A license issued under this chapter may be revoked by Council at any time for a violation of a law of the State or an ordinance of the City or if Council deems the licensee an unfit person to carry on the business of a street vendor.

874.10 EXPIRATION OF LICENSE; HALF FEES.

- (a) A license issued under this chapter shall expire on ~~September 1~~<sup>April 30</sup> of each year unless sooner revoked by Council for cause shown.
- (b) A license shall be issued under this chapter, after City Council approval, ~~after January 1~~<sup>of each year</sup>.
- (c) Such a license shall be issued for the ~~last six months or less~~ of the license year upon payment by the applicant of one-half the annual license fee.

874.11 BOND REQUIRED; CONDITIONS.

Before any license is issued for a non-food and beverage vendor, the applicant shall file with the city clerk a bond running to the city in the sum of \$1,000.00 executed by the applicant, as principal, together with surety. The form of such bond shall be approved by the city attorney and shall be conditioned upon the applicant's full compliance with the provisions of this chapter and the laws and statutes of the state regulating and concerning the sale of food, goods, wares, merchandise.

874.12 FOODSTUFFS.

(a) All vehicles and receptacles used in the sale of foodstuffs shall be kept in a clean and sanitary condition at all times.

(b) No license shall sell, offer or expose for sale or have in or about his or her stand, device, cart, wagon or other vehicle, fruit, vegetables or foodstuffs unless the same is covered and free from exposure to animals, flies, insects, dust, dirt and the elements and from handling by persons, except such as shall be necessary in the vending and delivery to the purchaser. However, this section does not apply to fruits, nuts or other articles of food having a natural covering protecting them from infection or contamination and which must be removed before consumption.

874.13 MISCELLANEOUS REGULATIONS.

No licensee under this chapter shall:

- (a) Use or carry about with him or her, or have in his or her possession, a scale or measure not sealed according to law;
- (b) Sell or offer for sale any article or commodity purporting to be in quantities of standard weight or measure, whether in original or other packages, unless the same is actually of the weight or measure purported;
- (c) Shout or call out his or her wares in a loud, boisterous or unseemly manner or to the disturbance of the citizens or dwellers in the City, or use a horn or bell or other noise-making device to call attention to his or her wares;

(b) Items relating to the operation of the vending business shall not be left at the approved location when the approved removable stand is not in operation.

(c) All vendors must provide a trash receptacle and/or garbage bags and must dispose of trash in a lawful manner. Failure to do so will result in the revocation of the license as spelled out in Section 874.09.

#### 874.18 FIRE PREVENTION CODE.

All vendors must comply with all requirements of state and local law or rules applicable to them, including the provisions of the City of Highland Park Fire Prevention Code.

#### 874.19 HOURS OF OPERATION.

Vendors shall only engage in vending operations between the hours of 8:00 am and 8:00 pm, Monday through Saturday or unless additional hours are authorized by City Council.[sic]

#### 874.20 ALLOWED GOODS.

Stationary vendors under this section shall be allowed to sell only the following items from an approved location:

- (1) Accessories, which shall be limited to handbags, sunglasses, umbrellas, and wallets;
- (2) Balloons;
- (3) Craft items, including baskets, pottery, jewelry, leather, quilts, wood carving, and needle crafts;
- (4) Coffee, beverages, and frankfurters, prepackaged snacks, condiments;
- (5) Confections and foods that are not potentially hazardous;
- (6) Ethnic apparel and clothing, which is limited to wearing apparel that is particular to a specific nationality distinguished by custom, heritage, or language;
- (7) Flowers;
- (8) Fragrances;
- (9) Fresh Fruit; and
- (10) Hand-drawn portraits or caricatures created on the spot.

#### 874.21 SALES PROHIBITED NEAR SCHOOLS.

**MAYOR:**

**The following resolution was submitted for approval.**

**A RESOLUTION ACCEPTING A PROPOSAL FROM LGC GLOBAL LOCATED AT  
7310 WOODWARD AVE. DETROIT, MI 48202 FOR FOUR (4) WATER REPAIRS IN  
THE CITY OF HIGHLAND PARK, MICHIGAN**

**BE IT RESOLVED, that the Highland Park City Council does hereby accept a  
proposal from LGC GLOBAL to perform the following water main service repairs in the  
City of Highland Park, Mi.**

**Brighton and Rosa Parks for an amount not to exceed \$4,300.00 for a 6" water main  
break.**

**85 Eason for an amount not to exceed \$4,800.00 for an 8" water main break.**

**66 Tuxedo for an amount not to exceed \$1,800.00 for a stop box repair.**

**91 Church St. for an amount not to exceed \$4,300.00 for a 6" water main break.**

**Moved by Council Pro Tem Lewis**

**Supported by Councilmember Patrick with a friendly amendment**

**Council require that the Mayor direct Ms. King, Director of the Water Department  
to appear at the January 5, 2015 council meeting to answer questions and concerns council  
has regarding a variety of water issues. Yeas (5), Nays (0), Absent (0).**

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**The following resolution was submitted for approval.**

**RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF  
HIGHLAND PARK AND WCA ASSESSING TO PROVIDE TAX ASSESSING SERVICE**

**WHEREAS, currently the City of Highland Park receives its ax assessing services  
from the County of Wayne, and**

**WHEREAS, the Mayor of the City of Highland Park, along with the Treasurer,  
recommends that the City of Highland Park enhance the quality of services provided by  
hiring a third party to assess its taxes;**

**BE IT RESOLVED that the Highland Park City Council hereby approves the  
proposal from WCA Assessing to provide professional assessing services for an amount not  
to exceed Three Hundred and Fifty Thousand Dollars over a three year period.**



**Moved by Councilmember Patrick  
Supported by Councilmember McClary**

**To table this resolution until more information is submitted. Yeas (5), Nays (0),  
Absent (0).**

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**COMMUNITY DEVELOPMENT:**

**The following resolution was submitted for approval.**

**RESOLUTION TO APPROVE DEMOLITION CONTRACTORS TO DEMOLISH  
DILAPIDATED RESIDENTIAL STRUCTURES WITHIN THE CITY OF HIGHLAND  
PARK**

**WHEREAS, properties located at various addresses are owned by the City of  
Highland Park; and**

**WHEREAS, some of these properties owned by the City of Highland Park are  
dilapidated and must be demolished and**

**WHEREAS, State Law requires that demolition be done by a licensed demolition  
contractor company to demolish dilapidated residential structures within the City of  
Highland Park;**

**WHEREAS, the City Council has accepted and reviewed the requests for proposals  
and selected the lowest, responsive and responsible bidder to perform the demolition work  
of the dilapidated structures.**

**NOW HEREBY BE IT RESOLVED, that the Highland Park City Council approves  
the selection of ABC DEMOLITION, 2001 Waterman, Detroit MI 48209, Bid Price  
\$152,764.00 to demolish 5 dilapidated residential structures within the City of Highland  
Park.**

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

**To refer this bid to Community Development for a rebid. Yeas (5), Nays (0), Absent  
(0).**

**The following resolution was submitted for approval.**

**RESOLUTION TO APPROVE DEMOLITION CONTRACTORS TO DEMOLISH DILAPIDATED RESIDENTIAL STRUCTURES WITHIN THE CITY OF HIGHLAND PARK**

**WHEREAS, properties located at various addresses are owned by the City of Highland Park; and**

**WHEREAS, some of these properties owned by the City of Highland Park are dilapidated and must be demolished and**

**WHEREAS, State Law requires that demolition be done by a licensed demolition contractor company to demolish dilapidated residential structures within the City of Highland Park;**

**WHEREAS, the City Council has accepted and reviewed the requests for proposals and selected the lowest, responsive and responsible bidder to perform the demolition work of RICKMAN ENTERPRISE GROUP,LLC 15533 Woodrow Wilson, Detroit, Mi. 48238, Bid Price \$26,500.00 to demolish 1 dilapidated residential structure within the City of Highland Park.**

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

**To refer this bid to Community Development for a rebid. Yeas (5), Nays (0), Absent (0).**

**\*\*\***

**LEGAL:**

**The following resolution was submitted for approval.**

**RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF HIGHLAND PARK AND PERKINS LAW GROUP, PLLC**

**WHEREAS, the City of Highland Park has identified a need to retain the legal expertise of labor attorneys to assist in its efforts to restructure the OPEB for its retirees; and**

**WHEREAS, the scope of services of the Agreement between the City of Highland Park and the Perkins Law Group PLLC does not allow for the specialized services required to restructure the OPEB; and**

**WHEREAS, the Mayor recommends that the City increase the Agreement between the City of Highland Park and Perkins Law Group to allow for the retention of labor attorneys who will assist the City in its efforts to restructure its OPEB; now therefore**

**BE IT RESOLVED that the Highland Park City Council approves an amendment to the agreement between the City of Highland Park and the Perkins Law group PLLC increasing the contract amount from \$150,000 to \$225,000 for FY 2014-15 and be it**

**FURTHER RESOLVED that the additional \$75,000 will be used for the specific purpose of providing legal services related to the City's restricting of the OPEB benefits and with the understanding that the additional funds shall be reimbursed to the City of Highland Park by the State of Michigan.**

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

**To approve the above resolution. Yeas (4), Nays (1) Councilmember Moore, Absent (0).**

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**CITY CLERK:**

**The Clerk submitted a New Business License application for approval for a \$ .99 store located at 12300 Woodward Ave.**

**Moved by Councilmember McClary  
Council President Woodard relinquished his chair to support.**

**To approve the New Business License application for a \$.99 store located at 12300 Woodward. Yeas (3), Nays (2) Councilmembers Moore and Patrick.**

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**The Clerk submitted a New Business License application for approval for New Metropolitan Cab business office located at 12380 Woodward Ave.**

**Moved by Councilmember McClary  
Supported by Council President Woodard**

**To approve the New Business License application for New Metropolitan Cab business office located at 12380 Woodward Ave. Yeas (2), Nays (3) Council Pro Tem Lewis, Councilmembers Moore and Patrick, Absent (0),**

**Council President Woodard returned as Chair.**

**The Clerk submitted a New Business License application for MAXX Beauty Supply located at 12330 Woodward Ave.**

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

**To approve the New Business License application for MAXX Beauty Supply located at 12330 Woodward Ave. Yeas (5), Nays (0), Absent (0).**

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**RECREATION DEPARTMENT:**

**The Clerk submitted a rental agreement for Highland Park Renaissance Academy/Barber School to use Ernest T. Ford Fieldhouse on various dates per schedule.**

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

**To approve the rental agreement for Highland Park Renaissance Academy/Barber School to use Ernest T. Ford Fieldhouse on various dates per schedule. Yeas (5), Nays (0), Absent (0).**

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**The Clerk submitted a rental agreement for Allen Academy to use Ernest T. Ford Fieldhouse January 9, 23 & 27, February 24 & 27 and March 2, 2015.**

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

**To approve the rental agreement for Allen Academy to use Ernest T. Ford Fieldhouse January 9, 23 & 27, February 24 & 27 and March 2, 2015. Yeas (5), Nays (0) Absent (0).**

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**ADJOURNMENT:**

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

**To adjourn this meeting; motion carried meeting adjourned at 9:50 p.m.**

CERTIFICATE

I, hereby certify that the attached is a true copy of the proposed minutes of the Regular Meeting held on the 15<sup>th</sup> day of December 2014 and that said proposed minutes are available for public inspections at the address designated on the posted public notice.

A handwritten signature in cursive script, reading "Brenda J. Green", written over a horizontal line.

Brenda J. Green  
City Clerk