

**MINUTES OF THE
VIRTUAL REGULAR MEETING OF THE HIGHLAND PARK CITY COUNCIL
OCTOBER 5, 2020**

Council convened at 7:01 p.m. with Council President Clyburn presiding.

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

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. Yeas (4), Nays (0), Absent (0).

APPROVAL OF MINUTES

Moved by Councilmember Armstrong
Supported by Councilmember Bates

To approve the minutes of the Virtual Workshop meeting held September 21, 2020. Yeas (4), Nays (0), Absent (0).

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Moved by Councilmember Bates
Supported by Councilmember Armstrong

To approve the minutes of the Virtual Regular meeting held September 21, 2020. Yeas (4), Nays (0), Absent (0).

**PUBLIC HEARINGS
10-05-20 IV a**

The Clerk stated this was the place and time to hold a public hearing to hear citizens input regarding FY 2020 Water Department budget & rates.

Damon Garret, Director of Water/Engineering, gave an overview of the proposed budget and upcoming projects and costs.

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

To close the Public Hearing. Public Hearing closed at 7:51 p.m. Yeas (4), Nays (0), Absent (0).

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10-05-20 IV b

The Clerk stated this was the place and time to hold a public hearing to hear citizens input regarding the request from Hamilton Corridor, LLC to vacate public streets and alleyways in the area between Hamilton and Thomson, Labelle and Auburndale.

Brian Holdwick from the Means Group, Kyle Morton from Ashley Capital, Steve Sorensen from PEA Group, David Hart and Stephanie Mellin from Maddin Hauser shared the intent of the project, how the project is progressing and what the next steps are moving forward.

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

To close the Public Hearing. Public Hearing closed at 8:15 p.m. Yeas (4), Nays (0), Absent (0).

CITY CLERK 10-05-20 V

The following resolution was submitted for approval.

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

BE IT RESOLVED, that all election inspectors serving for the General Election to be held on Tuesday, November 3, 2020 shall be paid on a fee basis; and the fee to be paid for Chairperson shall be the sum of \$175.00 and the fee to be paid for Inspector shall be the sum of \$150.00 each which includes \$10 for attending the training session prior to the election in addition to the regular pay each election worker will receive \$100 hazard pay from the grant received from The Center for Secure & Modern Election & Civic Life to assist with

the November 3, 2020 election.

BE IT RESOLVED that the following places are hereby designated as the polling places within the City of Highland Park for each election:

PRECINCTS	LOCATION	
1	Downes Manor	13725 John R
2	Blackwell Municipal Complex	12050 Woodward Ave.
3	Ernest T. Ford Field House	10 Pitkin
4	Ernest T. Ford Field House	10 Pitkin
5	Faith Tabernacle Church	16548 Hamilton
6	Healing Spring MB Church	12647 Hamilton

THEREFORE, BE IT RESOLVED that pay for all election inspectors and the establishment of polling places and (3) A.V. Counting Board for all precincts for the General Election be approved. Yeas (4), Nays (0), Absent (0).

CITY COUNCIL
10-05-20 VI a

The following ordinance was initiated.

Moved by Councilmember Bates
Supported by Council Pro Tem Patrick

ETHICS ORDINANCE

Ethics in government is not merely the absence of corruption but the presence of trust. Ethics laws and enforcement efforts aimed solely at deterring corruption fail to apprehend that simple truth. Indeed, they foster the notion, unjustified in fact, that public officials are inherently dishonest. Such a policy not only fails to achieve its narrow goal of combating corruption but also destroys trust in municipal officials and thus ultimately undermines both the perception and reality of integrity in government. The purpose of ethics laws lies not in the promulgation of rules nor in the amassing of information nor even in the punishment of wrongdoers, but rather in the creation of a more ethical government, in perception and in fact.

In the end, the touchstone of integrity in government resides in the willingness of good citizens to serve in state and local government. Laws and agencies that chill that willingness to serve do far more harm than good. When, however, good citizens clamor to join the ranks of state and local officials, the ethical health of the state and local communities run strong.

NOW THEREFORE, THE CITY OF HIGHLAND PARK ORDAINS:

SECTION 1. TITLE

This Ordinance shall be known and cited as the City of Highland Park Ethics Ordinance.

SECTION 2. PURPOSE AND DEFINITIONS

Section 2 - 1. Purpose. The purpose of this ordinance is to set forth standards of behavior and conduct for the officers and employees of the City of Highland Park. All Officers, employees and/or designees are required to conduct themselves in a professional manner, consistent with the endeavor of earning and maintaining public trust. All Officers, employees and/or designees are hereby bound to truthfulness, accountability, integrity, timeliness, courtesy, transparency and reasonableness. The ordinance also provides references to certain state statutes that regulate the conduct of officers and employees of local government.

A Board of Ethics is established to hear complaints against officers and employees of the City of Highland Park and, when there is a reasonable basis to believe that the respondent has violated Chapter Three of this ordinance, to refer those complaints for prosecution and/or a disciplinary hearing by the appointing authority. The ordinance provides for penalties for violations of this ordinance.

Section 2 - 2. Definitions.

"Employee" means a person employed by the City of Highland Park, whether on a full-time or part-time basis, or volunteer service.

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, travel, lodging, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

"Government contract" means a contract in which the City of Highland Park acquires goods or services, or both, from another person or entity, but the term does not include a contract pursuant to which a person serves as an employee or appointed officer of the City of Highland Park.

"Governmental decision" means a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, ordinance, or measure on which a vote by the members of a legislative or governing body of a public entity is required and by which a public entity formulates or effectuates public policy.

"Immediate family" means a person and a person's spouse and the person's children and stepchildren by blood or adoption, who reside with that person.

"Officer or Official" means a person who holds office, by election or appointment within the City of Highland Park regardless of whether the officer is compensated for service in his or her official capacity.

"Official action" means a decision, recommendation, approval, disapproval or other action or failure to act which involves the use of discretionary authority.

"Prohibited source" means any person or entity who:

(1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;

(2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;

(3) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or

(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

SECTION 3. STANDARDS OF CONDUCT

Section 3 -1. Gift Ban. Except as permitted by this ordinance, no officer or employee of the City of Highland Park shall intentionally solicit or accept any gift from any prohibited source, or which is otherwise prohibited by law or ordinance.

Section 3 - 2. Exceptions. Section 3 - 1 is not applicable to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(2) Anything for which the officer or employee pays the fair market value.

(3) Any contribution that is lawfully made under the Campaign Finance Laws of the State of Michigan.

(4) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of an individual's spouse and the individual's fiancé or fiancée.

(5) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift,

including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees.

(6) Food or refreshments not exceeding seventy-five dollars (\$75.00) per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared, or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(7) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(8) Intra-governmental and inter-governmental gifts. For the purpose of this ordinance, "intra- governmental gift" means any gift given to an officer or employee from another officer or employee of [type of unit], and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(9) Bequests, inheritances, and other transfers at death.

(10) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than one-hundred dollars (\$100.00).

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

Section 3 - 3. Disposition of gifts. An officer or employee does not violate this ordinance if he or she promptly takes reasonable action to return a gift from a prohibited source.

Section 3 - 4. Confidential Information. A public officer or employee shall not divulge to an unauthorized person, confidential information acquired in the course of employment in advance of the time prescribed by Mayor, City Council, or the City Administrator for its authorized release to the public.

See: [Freedom of Information Act \(FOIA\), 1976 PA 442, MCL 15.231 et seq.](#) - Suppression of or refusal to provide public records of the City of Highland Park is governed by the FOIA, the Records Retention Schedule of the local unit as approved by the State Archivist, and [MCL750.491](#) (Public records; removal, mutilation or destruction; penalty).

Section 3 - 5. Personal Opinion. An officer or employee shall not represent his or her personal opinion as that of the City of Highland Park.

Section 3 - 6. Public Resources. An officer or employee shall use personnel resources, property, and funds under the officer's or employee's official care and control judiciously and solely in accordance with prescribed constitutional, statutory, and regulatory procedures and not for personal gain or benefit.

Section 3 - 7. Personal Profit. A public officer or employee shall not engage in a business transaction in which the public officer or employee may profit from his or her official position or authority or benefit financially from confidential information which the public officer or employee has obtained or may obtain by reason of that position or authority. Instruction which is not done during regularly scheduled working hours except for annual leave or vacation time shall not be considered a business transaction pursuant to this subsection if the instructor does not have any direct dealing with or influence on the employing or contracting facility associated with his or her course of employment with this City of Highland Park.

Section 3 - 8. Incompatibility and Conflicts of Interest. Except as otherwise provided in Const 1963, statute, or in Section 3 - 10, an officer or employee shall not engage in or accept employment or render services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the officer or employee's official duties or when that employment may tend to impair his or her independence of judgment or action in the performance of official duties. The simultaneous holding of more than one public position under certain circumstances is contrary to the requirements of the Incompatible Public Offices Act, MCL 15.181 *et seq.* However, the simultaneous holding of certain public positions is specifically authorized by the Michigan Constitution of 1963 or state statute.

See: [Incompatible Public Offices Act, 1978 PA 566, MCL 15.181 et seq.](#)

See: [Const 1963, Article 7, Section 28.](#) Local officials are specifically authorized to serve on the governing bodies of intergovernmental entities.

Section 3 - 9. Personal and financial interests. Except as provided in Section 3 - 10, an officer or employee shall not participate in the negotiation or execution of contracts, making of loans, granting of subsidies, fixing of rates, issuance of permits or certificates, or other regulation or supervision relating to a business entity in which the officer or employee has a financial or personal interest.

See: [Conflict of Interest Act, 1968 PA 317. MCL 15 .321 et seq.](#) This Act governs the solicitation by and participation in government contracts by officers and employees of the municipality and preempts all local regulations of such conduct. However, the Conflict of Interest Act does not apply to contracts between the municipality] and its officers and employees which are based on the municipality's powers to appoint officers and hire employees.

See: [State Ethics Act, 1973 PA 196, MCL 15.341 et seq.](#) Section 2 of this Act, [MCL 15.342.](#)

set forth the standards listed in Sections 2 - 4 to 2 - 9 of this ordinance. However, no sanctions are imposed for violation of these standards by officers and employees of local units of government. Hence, the need for this ordinance to impose sanctions for the violation of these standards of conduct.

Section 3 - 10. State Conflict of Interest Act, Validity of Contracts, and Voting on, Making, or Participating in Governmental Decisions.

(1) This ordinance shall not in any manner vary or change the requirements of [1968 PA 317](#), being sections 15.321 to 15.330 of the Michigan Compiled Laws which governs the solicitation by and participation in government contracts by officers and employees of the City of Highland Park and preempts all local regulation of such conduct.

(2) This ordinance is intended as a code of ethics for the City of Highland Park's officers and employees. A contract in respect to which a public officer or employee acts in violation of this ordinance, shall not be considered to be void or voidable unless the contract is a violation of a statute which specifically provides for the remedy.

(3) Subject to subsection (4), sections 2 - 8 and 2 - 9 shall not apply and an officer shall be permitted to vote on, make, or participate in making a governmental decision if all of the following occur:

(a) The requisite quorum necessary for official action on the governmental decision by the City Council to which the officer has been elected or appointed is not available because the participation of the officer in the official action would otherwise violate sections 2 - 8 and 2 - 9.

(b) The officer is not paid for working more than 25 hours per week for City of Highland Park.

(c) The officer promptly discloses any personal, contractual, financial, business, or employment interest he or she may have in the governmental decision and the disclosure is made part of the public record of the official action on the governmental decision.

(4) If a governmental decision involves the awarding of a contract, Sections 3 - 8 and 3 - 9 shall not apply and a public officer shall be permitted to vote on, make, or participate in making the governmental decision if all of the following **occur**:

(a) All of the conditions of subsection (3) are fulfilled.

(b) The public officer will directly benefit from the contract in an amount less than \$250.00 or less than 5% of the public cost of the contract, whichever is less.

(c) The public officer files a sworn affidavit containing the information described in subdivision (b) with the City Council.

(d) The affidavit required by subsection (c) is made a part of the public record of the official action on the governmental decision.

Section 3 -11. Political Activities of Public Employee or Public Officer.

(1) Employees of local units of government running for office, political campaigning by employees, and limitations on officers and employees seeking support from other employees for those campaigning for public office and for or against ballot proposals are regulated by the [Political Activities by Public Employees Act, MCL 15.401 et seq.](#) Complaints may be filed with the Michigan Department of Energy, Labor and Economic Growth. [MCL 15.406.](#) Violation of the provisions of this Act by employees and appointed officers are subject to appropriate disciplinary action, up to and including termination by the appointing authority. Violations of the ordinance are also subject to the sanctions listed in Chapter Five.

(2) [Michigan Campaign Finance Act, MCL 169.201 et seq.](#) Complaints regarding compliance with this Act may be filed with the Michigan Department of State.

See: [Political Activities by Public Employees Act, 1976 PA 169, MCL 15.401 et seq.](#)

See: [Michigan Campaign Finance Act, MCL 169 .201 et seq.](#)

Section 3 -12. Anti-nepotism. Unless the City Council shall by a two- thirds (2/3) vote, which shall be recorded as part of its official proceedings, determine that the best interests of the City of Highland Park shall be served and the individual considered by such a vote has met the qualifications for appointive office or employment, the following relatives of any elected or appointed officer are disqualified from holding any appointed office or employment during the term for which said elected or appointed officer was elected or appointed: spouse, child, parent, grandchild, grandparent, brother, sister, half-brother, half-sister, or the spouse of any of them. This Section shall in no way disqualify such relatives or their spouses who are bona fide appointed officers or employees of the City of Highland Park at the time of the election or appointment of said officer to elective City of Highland Park office.

Section 3 -13. Representation Before Governmental Body.

An official or employee of the City of Highland Park shall not represent any other person in any matter that the person has before the City of Highland Park when the officer or employee appoints or otherwise supervises the board, commission, officer or employee responsible for handling the matter.

Section 3 - 14. Transactional Disclosure. Whenever an officer or employee is required to recuse himself or herself under Chapter Two of this ordinance, he or she:

- (a) shall immediately refrain from participating further in the matter,
- (b) shall promptly inform his or her superior, if any, and
- (c) shall promptly file with the Board of Ethics, if any, and clerk of the City of Highland Park a signed Affidavit of Disclosure disclosing the reason for recusal. The clerk shall send copies of the Affidavit of Disclosure to all of the members of the governing body of the City of Highland Park and the Affidavit shall be attached to the minutes of its next meeting.

See: [Model Affidavit of Disclosure - Transactional Form](#)

Section 3 - 15. Annual Disclosure Statement.

The following elected and appointed officers and employees shall file an annual disclosure statement: Mayor, City Council, City Clerk, City Treasurer, City Administrator, other elected and appointed officers and employees, such as the directors and deputy directors of administrative departments, members of the zoning board of appeals and planning commission, and those who regularly exercise significant discretion over the solicitation, negotiation, approval, awarding, amendment, performance, or renewal of government contracts.

The annual disclosure statement shall disclose the following financial interest of the officer or employee or his or her immediate family in any company, business, or entity that has contracted with the City of Highland Park or which has sought licensure or approvals from the City of Highland Park in the two calendar years prior to the filing of the statement:

- (a) Any interest as a partner, member, employee or contractor in or for a co-partnership or other unincorporated association;
- (b) Any interest as a beneficiary or trustee in a trust;
- (c) Any interest as a director, officer, employee or contractor in or for a corporation; and
- (d) Legal or beneficial ownership of 33.33% or more of the total outstanding stock of a corporation.

The annual disclosure statement shall include a summary listing each business transaction with the City of Highland Park involving a financial interest described in this section of the City of Highland Park officer or employee and/or the immediate family of the officer or employee during the two prior calendar years.

If there is no reportable financial interest or transaction applicable to the officer or employee and/or the immediate family of the officer or employee, the annual disclosure statement shall contain a certification to that effect.

The annual disclosure statement is to be submitted within fifteen (15) days of the start

of the City of Highland Park's fiscal year.

See: [Model Affidavit of Disclosure - Annual Form](#)

SECTION 4. BOARD OF ETHICS

Section 4-1. There is hereby created a board to be known as the Board of Ethics of the City of Highland Park. The Board shall be comprised of five (5) members, two (2) appointed by the Mayor and two (2) appointed by the City Council, and the fifth determined by the four (4) appointed members. No person shall be appointed as a member of the Board who is related, either by blood or by marriage up to the degree of first cousin, to any elected officer of the City of Highland Park. Members shall serve without compensation.

Appointments by the Mayor and City Council must be made within 60 days of the effective date of this ordinance. If appointments are not made by the Mayor within 60 days, the City Council may fill those vacancies within the following 30 days. If appointments are not made by the City Council within 60 days, the Mayor may fill those vacancies within the following 30 days. The appointment of the fifth member shall be made within 30 days of the appointment of the fourth member.

Section 4- 2. All board members shall be appointed to 3-year terms. Board members may be reappointed to serve subsequent terms.

At the first meeting of the Board and thereafter at the discretion of the Board, the board members shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any 2 board members. A quorum shall consist of two-thirds Board members, and official action by the Board shall require the affirmative vote of two-thirds Board members.

The business of the Board, including its hearings, shall be conducted at a public meeting held in compliance with the [Open Meetings Act, 1976 PA 267, MCL 15.261 et seq.](#)

Section 4- 3. The City Council, may remove a Board member in case of incompetency, neglect of duty or malfeasance in office after service on the Board member by certified mail, return receipt requested, of a copy of the written charges against the Board member and after providing an opportunity to be heard in person or by counsel upon not less than 10 days' notice. Mid-term vacancies shall be filled for the balance of the term in the same manner as original appointments.

Section 4 - 4. The Board shall have the following powers and duties:

(1) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.

(2) Upon receipt of a signed, notarized, written complaint against an officer or employee, to investigate, conduct hearings and deliberations, issue referrals for disciplinary

hearings and refer violations of Chapter Three of this Ordinance or state or federal criminal statutes to the attention of the appropriate attorney with a request for the filing of the appropriate criminal prosecution or civil infraction enforcement. The Board shall, however, act only upon the receipt of a written complaint alleging a violation of this ordinance and not upon its own initiative.

(3) To receive information from the public pertaining to its investigations and to seek additional information and documents from officers and employees of the City of Highland Park.

(4) To request the attendance of witnesses and the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the municipality to cooperate with the Board during the course of its investigations. Failure or refusal to cooperate with requests by the Board shall constitute grounds for discipline or discharge of appointed officers and employees of the municipality.

(5) The powers and duties of the Board are limited to matters clearly within the purview of this ordinance.

See: [Model Ethics Complaint Form](#)

Section 4 - 5. (a) Complaints alleging a violation of this ordinance shall be filed with the Clerk of the City of Highland Park. The Clerk or member of the Clerk's staff shall attend the Board meetings and act as secretary for the Board.

(b) Within 3 business days after the receipt by the Clerk of a complaint, the Clerk shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her together with a copy of the complaint. Within 3 business days after receipt by the Clerk of a complaint, the Clerk shall send by certified mail, return receipt requested, a notice of confirmation of receipt of the complaint together with a copy of the complaint to the complainant. The notices sent to the respondent and the complainant shall also advise them of the date, time, and place of the Board hearing to determine the sufficiency of the complaint and to establish whether there is a reasonable basis to believe that the respondent has violated Chapter Three of this ordinance. The Clerk shall also concurrently send copies of the foregoing complaint and notices to the members of the Board.

(c) The Board shall conduct a hearing to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of Chapter Three of this ordinance, to determine whether there is a reasonable basis to believe that the respondent has violated Chapter Three of this ordinance based on the evidence presented by the complainant and any additional evidence provided to the Board at the hearing pursuant to its investigatory powers. The complainant and respondent may be represented by counsel at the hearing. Within a reasonable period of time after the completion of the hearing which may be conducted in one or more sessions at the discretion of the Board, the Board shall issue notice to the complainant and the respondent of the Board's ruling on the sufficiency of the complaint and, if necessary, as to whether they find that there is a reasonable basis to believe that the respondent has violated

Chapter Three of this ordinance.

If the complaint is deemed sufficient to allege a violation of Chapter Three of this ordinance and the Board finds that there is a reasonable basis to believe that the respondent has violated Chapter Three of this ordinance, then the Clerk shall notify in writing the attorney designated by the City Council and shall transmit to the attorney the complaint and all additional documents in the custody of the Board concerning the alleged violation, with the Board's request for the filing of appropriate criminal or civil proceedings. The Clerk shall also provide these documents to the respondent's appointing authority within the City of Highland Park with the Board's request for the commencement of appropriate disciplinary action consistent with any applicable collective bargaining agreement, civil service commission rules or employment regulations of the City of Highland Park.

(d) Sections 3b - 3e of the [State Ethics Act, MCL 15.341 et seq.](#), set forth protections for officers and employees who act as whistleblowers regarding the conduct of the City of Highland Park officers and employees. Additional whistleblower protections are set forth in the [Whistleblowers' Protection Act, 1980 PA 469, MCL 15.361 et seq.](#)

(e) Any person who files a complaint alleging a violation of this ordinance knowing that material information provided therein is not true or that information provided therein was made in reckless disregard for the truth may be subject to a fine of up to \$500 as well as the reasonable costs incurred by the [type of local unit] in investigating the complaint and the reasonable costs incurred by the Respondent in responding to the complaint.

(f) A complaint must be filed with the Clerk within three (3) years of the date the offense is alleged to have occurred.

SECTION 5. SANCTIONS

Section 5 -1. Sanctions shall not be construed to diminish or impair the rights of an officer or employee under any collective bargaining agreement, nor the City of Highland Park obligation to comply with such collective bargaining agreements.

Section 5 - 2. State statutes cited in this ordinance contain criminal penalties and civil remedies that apply, as provided in those statutes, to the conduct regulated by those statutes.

Section 5 - 3. A violation of this ordinance may be punished as misdemeanor by a fine of up to \$500 and/or 90 days in jail.

Section 5 - 4. In addition to any other penalty, whether criminal or civil, an employee or officer who intentionally violates this ordinance may be subject to disciplinary action including censure, reprimand, removal, dismissal or discharge.

Section 5 - 5. In addition, the common law offense of misconduct in office (misfeasance, malfeasance and nonfeasance) constitutes a felony as provided in the [Michigan Penal Code, MCL 750.505](#) and willful neglect of duty constitutes a misdemeanor as provided in [MCL](#)

750.478.

SECTION 6. APPLICABILITY

a. This ordinance shall apply to the City of Highland Park. All portions of former ordinances in conflict herewith are hereby repealed or superseded.

SECTION 7. SEVERABILITY

a. In the event that any sections, provisions, phrases or words of this ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforcement of the remaining sections, provisions, phrases or words of this ordinance.

SECTION 8. EFFECTIVE DATE

a. This ordinance shall take effect fifteen (15) days after the date of enactment, in accordance with the provisions of Section 6-2(8) of the City Charter. Yeas (4), Nays (0), Absent (0).

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10-05-20 VI b

The following ordinance was initiated.

Moved by Councilmember Bates
Supported Council Pro Tem Patrick

We the City Council of the City of Highland Park do hereby initiate the following proposed ordinance:

AN ORDINANCE to amend the Highland Park Administration Code, Part Two, by adding Chapter 252 to establish the Citizens District Advisory Councils.

CROSS REFERENCE: 2019 Charter Sec 7-18 Advisory Boards (1) Citizens District Advisory Councils (CDACs)

WHEREAS, the City of Highland Park Charter Section 7-18 states:

(1) Citizen District Advisory Councils (CDACs)

CDACs exist to meet with residents in their respective districts and discuss ideas pertinent to those neighborhoods. Ideas will be shared amongst the various CDACs and with City officials to promote a more efficient and enjoyable city.

- a. There shall be six districts that comprise the CDACs. There shall be two (2) districts in each proposed city council district.
- b. Each District Council will have five members. Two of the members shall

be appointed by the Mayor and two appointed by City Council. The fifth member will be selected by the four members already appointed.

- c. All CDAC members must be Highland Park residents.
- d. CDAC members will not be compensated for their service, and lack the capacity to execute any official act of the City.
- e. CDAC members serve at the pleasure of the appointing authority. However, the member selected by their peers, can be removed if a majority of the appointed members agree to do so.

- (2) The Mayor and City Council shall meet with each district council at least twice a year to discuss issues that affect and concern the citizens living in the area.
- (3) Non At Large City Council members shall meet at least twice a year with their respective CDACs.
- (4) CDAC members will serve three year terms, unless they are reappointed or removed.
- (5) The CDACs shall select officers in order to conduct their meetings in an orderly manner.
- (6) Each CDAC will have one (1) posting location within the respective CDAC

WHEREAS, the City of Highland Park desires to adopt policies and procedures for the establishment of the Highland Park CDACs;

NOW, THEREFORE, THE CITY OF HIGHLAND PARK ORDAINS:

Section I. Part Two, Title 8 of the Codified Ordinances of Highland Park, 1983, be amended by adding Sections 252.01 through 252.09, to read as follows:

Part Two. Administration Code
Title 8. Boards, Commissions, and Authorities
Chapter 252. Highland Park Citizens District Advisory Councils

252.01 PURPOSE.

CDACs exist to meet with residents in their respective districts and discuss ideas pertinent to those neighborhoods. Ideas will be shared amongst the various CDACs and with City officials to promote a more efficient and enjoyable city.

(2019 CHRT. Sec. 7-18)

252.02 POWERS AND DUTIES.

Organize public meetings with residents in the district area to discuss ideas pertinent to the neighborhood. Organize public meetings with City Council members to share ideas to promote a more efficient and enjoyable city. Organize public meetings with the Mayor to share ideas to promote a more efficient and enjoyable city. Organize meetings with Non At Large City Council members who represent their districts to share ideas to promote a more

efficient and enjoyable city.

252.03 COMPENSATION.

The members of the CDACs shall serve without compensation.

252.04 APPOINTMENT OF CDAC COUNCIL MEMBERS.

Each District Council will have five members. Two of the members shall be appointed by the Mayor and two appointed by City Council. The fifth member will be selected by the four members already appointed.

- a. City Council shall establish within 30 days of the effective date of this ordinance the boundaries of each CDAC such that no CDAC boundaries overlap.
- b. City Council shall redraw boundaries of each CDAC at the same time that districts are redrawn following the decennial census.
- c. Appointments by the Mayor and City Council must be made within 60 days of the effective date of this ordinance.
- d. If appointments are not made by the Mayor within 60 days, the City Council may fill those vacancies within the following 30 days.
- e. If appointments are not made by the City Council within 60 days, the Mayor may fill those vacancies within the following 30 days.
- f. The appointment of the fifth member shall be made within 30 days of the appointment of the fourth member.

252.05 COMPOSITION OF THE CDACs.

There shall be six districts that comprise the CDACs. There shall be two (2) districts in each proposed city council district. Each District Council will have five members.

252.06 TERMS OF COUNCIL MEMBERS.

CDAC members will serve three-year terms, unless they are reappointed or removed.

252.07 QUALIFICATION REQUIREMENTS FOR COMMISSIONERS.

All CDAC members must be Highland Park residents and live within the boundary of their CDAC district.

252.08 OFFICERS; MEETINGS.

The CDACs shall select officers in order to conduct their meetings in an orderly manner.

252.09 REMOVAL OF COMMISSIONERS FROM OFFICE; WITHDRAWAL OF COMMISSIONERS; FILLING VACANCIES.

- a. CDAC members serve at the pleasure of the appointing authority. However, the member selected by their peers, can be removed if a majority of the appointed members agree to do so.
- b. A Council Member may withdraw from their position by submitting a written notice of withdrawal to the presiding officer of the CDAC. Any such withdrawal of a Council Member is effective once the presiding officer receives a Council Member's written withdrawal from the CDAC.
- c. Vacancies on the CDACs shall be filled by the original appointing authority within 30 days of the occurrence of the vacancy for the remaining duration of the unexpired term.
- d. If the Mayor is the appointing authority and does not fill a vacancy within 30 days, the City Council may fill the vacancy within the following 30 days.
- e. If the City Council is the original appointing authority and does not fill a vacancy within 30 days, the Mayor may fill the vacancy within the following 30 days.
- f. If the four CDAC members are the appointing authority and do not fill a vacancy within 30 days, then the City Council may fill the vacancy within the following 30 days.

Section 2. All ordinances or parts of ordinances, or resolutions, in conflict with this ordinance are repealed.

Section 3. The invalidity or unenforceability of any particular phrase, clause, term, word, sentence, paragraph, or section of this Ordinance shall not affect the validity or enforceability of the remaining portions and this Ordinance shall be construed in all respects as if such invalid or unenforceable phrases, clauses, terms, words, sentences, paragraphs, or sections were omitted.

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10-05-20 VI c

AN ORDINANCE TO AUTHORIZE AND REGULATE THE ESTABLISHMENT OF MEDICAL MARIJUANA FACILITIES AND ADULT USE MARIJUANA FACILITIES

At a regular meeting of the City of Highland Park City Council on _____ 2020, Wayne County, Michigan, the following ordinance was adopted:

BE IT ORDAINED THAT the following ordinance authorizing the establishment, and regulating the operation, of medical marijuana facilities and adult use marijuana facilities in Highland Park are adopted as follows:

Section 1. Purpose & Legislative Intent

- (a). It is the intent of this ordinance to authorize the establishment of certain types of medical marijuana facilities and adult use marijuana facilities in the City of Highland Park

and provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; create and adopt an ordinance regulating commercial marihuana facilities pursuant to the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq; create and adopt an ordinance regulating commercial marihuana facilities pursuant to the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this ordinance to help offset administrative and enforcement costs associated with the operation of a marijuana facility or marijuana establishment in the City of Highland Park through imposition of an annual, nonrefundable fee of not more than \$5,000.00 on each medical marijuana facility licensee. Authority for the enactment of these provisions is set forth in the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq; the Marihuana Tracking Act, MCL 333.27901 et seq; and Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.

(b). Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marijuana, in any form, that is not in compliance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq; the Marihuana Tracking Act, MCL 333.27901 et seq; and Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.; and all other applicable rules promulgated by the state of Michigan.

(c). As of the effective date of this ordinance, marijuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec. 801 et seq., which makes it unlawful to manufacture, distribute, or dispense marijuana, or possess marijuana with intent to manufacture, distribute, or dispense marijuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal laws.

Section 2. Definitions

For the purposes of this ordinance:

(a). Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., shall have the definition given in the Michigan Medical Marihuana Act.

(b). Any term defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., shall have the definition given in the Medical Marihuana Facilities Licensing Act.

(c). Any term defined by the Marihuana Tracking Act, MCL 333.27901 et seq., shall have the definition given in the Marihuana Tracking Act.

(d). Any terms defined by the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq. shall have the definition given in the Michigan Regulation and Taxation of Marihuana Act."

(e) *"City"* means the City of Highland Park, Michigan.
(f) *"Clerk"* means the City Clerk of Highland Park, Michigan.
(g) *"City Council"* means the City Council of Highland Park, Michigan.
(h) *"Consumption Lounge"* means a licensee that is a commercial entity located in this state that provides for the ability to consume marijuana on-site and includes the accessory sale of goods, wares, personal merchandise, articles, or things incidental to the provision of such service.

(i) *"Grower"* means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marijuana for sale to a processor, provisioning center, or retailer.

(j) *"Incubation Licensee"* means a Category 1 or Category 2 Social Equity licensee who enters into an agreement with a Category 3 licensee to be provided rent-free space by the Category 3 licensee.

(k) *"Incubation Space"* means a the property provided by a Category 3 licensee to an Incubation Licensee pursuant to this chapter.

(l) *"Licensee"* means a person holding a state operating license issued under the State Marijuana Acts.

(m) *"Marijuana"* or *"marihuana"* means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marijuana Act, MCL 333.26421 et seq.; the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marijuana Tracking Act, MCL 333.27901 et seq.

(n) *"Marijuana Business"* means and is inclusive of medical marijuana facilities, as defined under MCL 333.27102(1), and marijuana establishments, as defined under MCL 333.27953(h).

(o) *"Marijuana Establishment"* means an enterprise at a specific location at which a licensee is licensed to operate under the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951 et seq., including a marijuana grower, marijuana processor, marijuana retailer, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marijuana Act, MCL 333.26421 et seq.

(p) *"Marijuana Facility"* means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq., including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marijuana Act, MCL 333.26421 et seq.

(r). *"Microbusiness"* means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

(s). *"Person"* means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.

(t). *"Processor"* means a licensee that is a commercial entity located in Michigan that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana- infused product for sale and transfer in packaged form to a provisioning center.

(u). *"Provisioning Center"* means a licensee that is a commercial entity located in Michigan that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this article.

(v). *"Qualifying Individuals"* means those persons that have been disproportionately impacted by marijuana prohibition and enforcement and which qualify pursuant to the state's Social Equity rules and guidelines.

(w) *"Qualifying Period"* means a minimum of two (2) years following the issuance of a license.

(x) *"Retailer"* means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

(y). *"Safety Compliance Facility"* means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility or marihuana establishment.

(z). *"Secure Transporter"* means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

(aa). *"State Operating License"* or unless the context requires a different meaning, *"license"* means a license that is issued under this act that allows the licensee to operate as 1 of the following, as specified in the license:

- (i) A Medical and/or Recreational Grower Classes A-C.
- (ii) A Medical and/or Recreational processor.
- (iii) A Medical and/or Recreational Secure transporter.
- (iv) A Provisioning Center.
- (v) A Retailer
- (vi) A Microbusiness
- (vii) A Consumption Lounge/ Designated Consumption Area

(bb). *"State Marijuana Acts"* mean the State of Michigan Medical Marijuana Act, MCL 333.2641, et seq; the Marijuana Facilities Licensing Act, MCL 333.27101 et seq; the Marijuana Tracking Act, MCL 333.27901 et seq; and the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951 et seq.

Section 3. Authorization of Facilities and Fee

(a). Pursuant to the State Marijuana Acts, the City of Highland Park authorizes the operation of the following marijuana businesses, provided they possess a state operating license issued under the State Marijuana Acts and they comply with the City's zoning requirements and all other applicable laws and ordinances.

(b). The maximum number of each type of marijuana facility or marijuana establishment allowed in the City of Highland Park shall be discretionary and as follows:

<u>Facility</u>	<u>Number of licenses or locations</u>	<u>License Type</u>
Class A Grower:	Maximum four (4) licenses	May be Medical and/or Recreational.
Class B Grower:	Maximum four (4) licenses.	May be Medical and/or Recreational.
Class C Grower:	Maximum five (5) locations.	May be Medical and/or Recreational.
Processor:	Maximum four (4) licenses.	May be Medical and/or Recreational.
Secure transporter:	Maximum two (2) licenses.	May be Medical and/or Recreational.
Provisioning center:	Maximum five (5) licenses.	Medical Only.
Retailer:	Maximum five (5) licenses.	Recreational Only.
Safety compliance facility:	Maximum one (1) license.	May be Medical and/or Recreational.
Microbusiness:	Maximum three (3) licenses.	Recreational Only.
Consumption Lounge:	Maximum three (3) licenses.	Recreational Only.

(c). At least every one (1) year after adoption of this ordinance, the City Council shall review the maximum number of each type of marijuana facilities and marijuana establishments allowed and determine whether this maximum number should be changed. The review and its findings shall be recorded in the minutes of the relevant meeting of the City Council.

(d). A nonrefundable fee shall be paid by each marijuana facility or marijuana establishment licensed under this ordinance in an annual amount of not more than \$5,000.00 as set by resolution of the City of Highland Park City Council.

(e) The maximum number of locations for both provisioning centers and retailers shall be capped at five (5). A single location may serve as both a Provisioning Center and a Retailer.

Section 4. Requirements and Procedure for Issuing License

(a). No person shall operate a marijuana business in City of Highland Park without a valid marijuana facility license issued by the City of Highland Park pursuant to the provisions of this ordinance.

(b). Every applicant for a license to operate a marijuana facility or marijuana establishment shall file an application in the City office upon a form provided by the City of Highland Park.

(c). Every applicant for a license to operate a marijuana facility or marijuana establishment shall submit with the application a photocopy of the applicant's valid and current license issued by the State of Michigan in accordance with the State Marihuana Acts.

(d). Upon an applicant's completion of the above-provided form and furnishing of all required information and documentation, the City shall accept the application and assign it a sequential application number based on the date and time of acceptance. The City shall act to approve or deny an application not later than ninety (90) days from the date the application was accepted. If approved, the City shall issue the applicant a provisional license.

(e). A provisional license means only that the applicant has submitted a valid application for a marijuana facility license or a marijuana establishment license, and the applicant shall not locate or operate a marijuana facility or marijuana establishment without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the City of Highland Park. A provisional license will lapse and be void if such permits and approvals are not diligently pursued to completion.

(f). Within fourteen (14) days from the applicant submitting proof of obtaining all other required permits and approvals and payment of the license fee, the City shall approve or deny the marijuana facility license or marijuana establishment license. The City Clerk shall issue marijuana facility licenses and marijuana establishment licenses in order of the sequential application number previously assigned.

(g). Maintaining a valid marijuana facility license issued by the state is a condition for the issuance and maintenance of a marijuana facility license or marijuana establishment license under this ordinance and continued operation of any marijuana facility.

Section 5. Social Equity Program

A Social Equity Program participant shall be eligible for one of three categories, as follows:

- (a) To qualify for Social Equity Program Category 1, a minimum of fifty-one percent (51%) of the applicant's business must be owned and operated by one or more Qualifying Individuals who will hold such interest for a minimum of two (2) years after the Qualifying Period and who meet one of the following criteria:
 - i. A current or former resident of the City for a continuous period of no less than three (3) years.
 - ii. A resident of a state approved social equity municipality.
- (b) To qualify for Social Equity Program Category 2, a minimum of thirty-three percent (33%) of the applicant's business must be owned and operated by one or more Qualifying Individuals who will hold such interest for the Qualifying Period and who meet one of the following criteria:
 - i. A current or former resident of the City for a continuous period of no less than three (3) years.
 - ii. A resident of a state approved social equity municipality.
- (c) To qualify for Social Equity Program Category 3, a license holder shall enter into an Incubation Agreement as provided in Section e below.
- (d) Applicants for Social Equity Program Categories 1 and 2 shall not submit applications to obtain more than one license per license category for a marihuana business (e.g., cultivation, processing, retail) in the City.
- (e) A Category 3 licensee shall enter into an Incubation Agreement with a Category 1 or Category 2 Incubated Licensee to provide Incubation Space for the Incubated Licensee's marihuana business for a minimum period of two (2) years.

The Category 3 Licensee shall provide Incubation Space that meets all of the following requirements:

- i. Compliance with all land use requirements in and according to local law and regulation.
 - ii. The Incubation Space provided meets all state statutes and regulations related to the separation of co-located marijuana businesses.
- (f) The City may, at its sole discretion, approve a fee to be paid by the Category 3 licensee to one or more Category 1 or Category 2 licensees in lieu of providing incubation space. Such determination shall be made by the City Council.
- (g) The City shall issue guidance on acceptable forms of evidence of Category 1-3 eligibility.
- (h) Category 1-3 licensees may be eligible to receive the following benefits:
 - a. Expedited licensing processing for initial applications and renewal

- b. Waiver or reduction of application fees.
 - c. Waiver or reduction of land use entitlement fees, permit fees, and inspection fees.
 - d. Payment of a Category 1 or Category 2 license or application fees by a Category 3 licensee.
- (i) Available licenses pursuant to Section 3 shall be specifically reserved for award to Social Equity program participants as follows:

<u>Facility</u>	<u>Number of Licenses Reserved</u>
Class A Grower:	Zero (0)
Class B Grower:	Zero (0).
Class C Grower:	One (1) reserved for Category 3 program participant.
Processor:	One (1) reserved for Category 1, 2, or 3 program participant
Secure transporter:	Maximum two (2).
Provisioning center:	One (1) reserved for Category 1, 2, or 3 program participant
Retailer:	One (1) reserved for Category 1, 2, or 3 program participant
Safety compliance facility:	Zero (0).
Microbusiness:	Three (3) reserved for Category 1 and 2 program participant
Consumption Lounge:	One (1) reserved for Category 1 and 2 program participant

Section 6. License Application Submission

- (a) Each marijuana business must be licensed by the City. Applications for a license shall be made in writing to the City Clerk. All applications submitted to the City Clerk in accordance with the provisions of this chapter shall be considered for the issuance of a license. An applicant may apply for multiple licenses under this chapter of the same or different natures simultaneously, as permitted by law.
- (b) A complete application for a license or licenses required by this chapter shall be made under oath on forms provided by the City Clerk, and shall contain all of the following:
- (1) If the applicant is an individual, the applicant's name, date of birth, physical address, email address, one or more phone numbers, including emergency contact information, and a copy of a government-issued photo identification card of the applicant.
 - (2) If the applicant is not an individual, the names, dates of birth, physical addresses, email addresses, and one or more phone numbers of each stakeholder of the applicant, including designation of a stakeholder as an emergency contact person and contact information for the emergency contact person, articles of incorporation or organization, internal revenue service SS-4

EIN confirmation letter, and the operating agreement or bylaws of the applicant, if a limited liability company.

(3) The name, date of birth, physical address, copy of photo identification, and email address for any operator or employee if other than the applicant.

(4) The name and address of the proposed marihuana operation and any additional contact information deemed necessary by the City Clerk.

(5) Applicant or licensee shall keep records of the results of the criminal history background checks performed pursuant to MMFLA and/or MRTMA requirements and shall provide copies for every applicant, licensee, stakeholder, and employee to the City Clerk within five business days of receipt.

(6) An affirmation under oath as to whether the applicant or operator has had a business license revoked or suspended, and if revoked or suspended, then the reason for such revocation or suspension.

(7) A copy of the proposed business plan for the marihuana operation, including, but not limited to, the following:

- i. The proposed ownership structure of the marihuana operation, including percentage ownership of each person; and
- ii. current organization chart that includes position descriptions and the names of each person holding each position.

(8) One of the following: (a) proof of ownership of the entire premises wherein the marihuana operation is to be operated; or (b) written consent from the property owner for use of the premises in a manner requiring licensure under this chapter along with a copy of any lease for the premises.

(9) Verify compliance with State-mandated security measures as outlined in the MMFLA or MRMTA.

(10) A floor plan and security plan of the marihuana operation, as well as a scale diagram illustrating the property including all available parking spaces, all available handicapped accessible parking, and noting storage spaces for any flammable or combustible substances.

(11) Material Safety Data Sheets for each hazardous chemical to be stored at the Marijuana Business, if any.

(11) Verify compliance with State-mandated marketing and advertising restrictions as outlined in the MMFLA or MRTMA.

(12) A location area map of the marihuana operation and surrounding area that identifies the relative locations and the distances, measured pursuant to the to the buffered uses set forth in Section 7.

(13) For the purpose of calculating the buffering and dispersion requirements of this section, the distance shall be measured along the center line of the street or streets of address between two fixed points on **the center line** determined by projecting straight lines, at right angles to the center line, from the part of the buffered use nearest to the contemplated location of the marihuana operation and from the part of the contemplated location nearest to the buffered use. The distances from the marihuana operation to the point on the centerline and from the buffered use to the point on the centerline shall be included in the calculation. For Provisioning Centers and Retailers located within a commercial strip mall or retail center, the measurement shall be from the property line of the Medical Marihuana Provisioning Center and Marihuana Retailer to the property line of a buffered use.

(13) An affidavit that neither the applicant nor any stakeholder of the applicant is in default to the City. Specifically, that the applicant or stakeholder of the applicant has not failed to pay any property taxes, special assessments, fines, fee or other financial obligation to the City.

(14) A signed acknowledgment that the applicant is aware and understands that all matters related to marihuana, growing, cultivation, possession, dispensing, testing, safety compliance, transporting, distribution, and use are currently subject to State and Federal laws, rules, and regulations, and that the approval or granting of a license hereunder does not exonerate or exculpate the applicant from abiding by the provisions and requirements and penalties associated with those laws, rules and regulations or exposure to any penalties associated therewith; and further the applicant waives and forever releases any claim, demand, action, legal redress, or recourse against the City, its elected and appointed officials and its employees and agents for any claims, damages, liabilities, causes of action, damages, and attorney fees the applicant may occur as a result of the violation by applicant, its officials, members, partners, shareholders, employees and agent of those laws, rules, and regulations and hereby waives, and assumes the risk of, any such claims and damages, and lack of recourse against the City, its elected and appointed officials, employees, attorneys, and agents.

(15) Proof of an insurance policy covering each license and naming the City, its elected and appointed officials, employees, and agents, as additional insured parties, available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors, in the amount of (a) at least \$1,000,000.00 for property damage; (b) at least \$1,000,000.00 for injury to one person; and (c) at least

\$2,000,000.00 for injury to two or more persons resulting from the same occurrence. The insurance policy underwriter must have a minimum AM. Best Company insurance ranking of B+, consistent with State law. The policy shall provide that the City shall be notified by the insurance carrier 30 days in advance of any cancellation. The insurer must be licensed in the State of Michigan.

(16) Proof of a surety bond in the amount of \$50,000.00 with the City listed as the obligee to guarantee performance by applicant of the terms, conditions and obligations of this chapter in a manner and surety approved by the City Attorney.

(17) Projected or actual total planned investment into the City and commitments for future community involvement in the City

(18) An estimate of the number and type of full-time equivalent jobs that the marihuana operation expects to create and the amount and type of compensation for each position, including benefits.

(19) Submission of an odor plan to address any potential odors stemming from the use, storage, growing, or processing of marijuana.

(20) Execution of the Financial Resources Litigation History form made available by the City Clerk.

(21) Execution of the Morals, Good Order and General Welfare Litigation History form made available by the City Clerk.

(22) Any other information requested by the City Clerk to assist in the review of the application. Failure to provide required or requested information may result in an incomplete application determination and may result in denial or revocation of licensure.

(23) There is an ongoing obligation to provide updated information to the City Clerk. Should there be a change to any portion of an application, the applicant must advise the City Clerk within seven days from date of change and provide any documentation to support the change in application. Failure to provide documentation shall result in an incomplete application determination and is subject to denial of licensure.

(c) Upon receipt of a completed application meeting the requirements of this section and the appropriate license application fee, the City Clerk shall refer a copy of the application to each of the following for their approval: the City Attorney, the Building Safety Office, the Police Department, and the City

Treasurer.

- (d) No application shall be approved unless:
 - a. The Building Safety Office has inspected the proposed location or approved proposed site plans for compliance with all laws for which they are charged with enforcement and for compliance with the requirements of this chapter.
 - b. The City Treasurer has confirmed that the applicant and each stakeholder of the applicant are not in default to the City, including but not limited to, non-payment of property taxes.
 - c. The Police Department has reviewed the criminal history background checks for each applicant, stakeholder, and employees provided by the applicant.
 - d. The City Attorney's office has reviewed and approved as to form the insurance and either the surety bond or escrow account documentation for compliance with State and local laws.
- (e) The Clerk shall assess, evaluate, score and rank all complete applications for each license type according to the provisions of this chapter.
- (f) The Clerk's assessment, evaluation, score, and rank of each required application that requires scoring shall be based upon a scoring criteria created by the Clerk consistent with the requirements and conditions of this chapter.

Section 7. Location Requirements.

- (a) Marijuana Businesses shall only be located in one of the following Marijuana Business Districts:
 - (1) Hamilton Avenue on the east and west side of the street, from McNichols Road to Tuxedo Street, excluding Davison and to W Buena Vista Street.
 - (2) Along Midland Street, located on the north and south side of the street, starting at West Hamilton Avenue and continuing to the city limits.
 - (3) Along Victor Street, located on the north and south side of the street, starting at Woodward Avenue to the city limits.
 - (4) Along the northeast side of the Davison Freeway, starting north at Woodward and continuing to the T alley, as well as the south side of Gerald Street.

- (5) Along the north and south side of Manchester Avenue, starting at Woodward Avenue and continuing east to the city limits.
 - (6) Along the south side of East and West McNichols Road.
 - (7) Along the east and west side of Oakland Avenue, starting at Davison Freeway and continuing to McNichols Road.
 - (8) Along the north side of Oakman Boulevard at Hamilton west to the city limits.
- (b) No Marijuana Business shall be located within:
- (1) Five hundred (500) feet, of the following buffered uses: an operational school, including a prekindergarten that is located within a school; or a commercial child-care organization that is registered with the state.
 - (2) Notwithstanding the above, an applicant to operate a marihuana business may apply for and be granted a variance in accordance with local law and regulation. Such application for a variance shall include attestation of neighborhood support and approval of the proposed marihuana business location.

Section 8. Establishment of Marihuana Regulatory Commission.

(a) A Marihuana Regulatory Commission shall be established within forty-five (45) days of adoption of this ordinance. The Marihuana Regulatory Commission may be reasonably compensated for its services. City Council shall determine the appropriate structure for such compensation to the Marihuana Regulatory Commission, if any.

(b) The Marihuana Regulatory Commission shall be composed of three (3) persons, two (2) of which shall be City of Highland Park residents, and which shall be appointed by the City Council and which shall be effective for a period of three (3) years.

- (c) The Marihuana Regulatory Commission shall be tasked with the following:
- (1) Report the outcome of all pending grants, applications, community benefits, and community reinvestment in the City, through memoranda published monthly.
 - (2) Provide additional reports regarding the status of Marihuana Business applications and operational Marihuana Businesses as determined by the Marihuana Regulatory Commission, published monthly.
 - (3) Coordinate with the Clerk, Police Department, City Attorney's Office, and other City Administration to uphold the integrity of Marihuana

Business operations and to ensure that Marihuana Business licensees adhere to any and all commitments or representations made in its initial or renewal applications for licensure.

Section 9. License Renewal & Revisions

- (a). A marijuana facility license shall be valid for one year from the date of issuance, unless revoked as provided by law.
- (b). A valid marijuana facility license or marijuana establishment license may be renewed on an annual basis by submitting a renewal application upon a form provided by the City of Highland Park and payment of the annual license fee. Applications to renew a marijuana facility license or marijuana establishment license shall be filed at least thirty (30) days prior to the date of its expiration.
- (c). The transferring of a marijuana facility license or marijuana establishment license which only changes the listed applicant to a different entity or person is allowed with the submittal of:
 - (1) Document consisting of a notarized and original signatures;
 - (2) State of Michigan Licensing and Regulatory Affairs Department document indicating approval of applicant or applicant's entity of Department's Step 1: Prequalification Document Checklist; and
 - (3) Payment of a new annual license fee as established by this ordinance.
 - (4) Compliance by the license transferee with any commitment and / or representation made by the previous license holder(s) as part of its application.

Section 10. Applicability

(a). The provisions of this ordinance shall be applicable to all persons and facilities or establishments described herein, whether the operations or activities associated with a marijuana facility were established without authorization before the effective date of this ordinance.

Section 11. Prohibitions and Restrictions

- (a). It is prohibited to produce, distribute, or possess marijuana in violation of any applicable State Marijuana Acts or local ordinance.
- (b). It is prohibited to allow the sale of consumption of any alcoholic beverages at any marijuana facility or marijuana establishment.
- (c). Only a Licensee may operate as a Marijuana Business within the City of Highland Park. The Licensee must conspicuously display its State License and City License in the Marijuana Business where it is easily open to public view.

(d). Only a Licensee may operate as a Marijuana Business within the City of Highland Park. The Licensee must conspicuously display its State License and City License in the Marijuana Business where it is easily open to public view.

(e). Any violation of any State Marijuana Law shall be deemed a violation of this Ordinance.

Section 12. Penalties and Enforcement

(a). Any person who violates any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and subject to the payment of a civil fine of not more than \$500.00, plus costs. Each day a violation of this Ordinance continues to exist constitutes a separate violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.

(b). A violation of this Ordinance is deemed to be a nuisance per se. In addition to any other remedy available at law, the City of Highland Park may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Ordinance.

(c). This Ordinance shall be enforced and administered by the City or such other City officials as may be designated from time to time by resolution of the City Council.

Section 13. Severability

(a). In the event that any one or more sections, provisions, phrases or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance.

Section 14. Effective Date

This Ordinance shall take effect thirty (30) days after first publication in accordance with applicable law. Yeas (4), Nays (0), Absent (0).

**MAYOR
10-05-20 VII a**

The following resolution was submitted for approval.

**RESOLUTION TO ACCEPT THE PUBLIC SAFETY AND PUBLIC HEALTH
PAYROLL REIMBURSEMENT (PSPHPR) PROGRAM AWARD**

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

WHEREAS, the CARES Act provided funding to the State of Michigan for eligible public health and public safety non-budgeted payroll expenditures during the months of April and May 2020 that are directly related to the coronavirus; and

WHEREAS, the City of Highland Park submitted an application to reimburse police and fire overtime resulting from the coronavirus emergency in the amount of \$49,972.23; and

WHEREAS, on September 22, 2020, the City was notified of an award of \$24,986; and

WHEREAS, due to the overwhelming demand throughout the State of Michigan, the State could only reimburse 50% of the amounts requested on all applications received; and

WHEREAS, the award is to be used to reimburse the general fund; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Highland Park accepts the Public Safety and Public Health Payroll Reimbursement (PSPHPR) Program award of \$24,986. Yeas (4), Nays (0), Absent (0).

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10-05-20 VII b

The following resolution was submitted for approval.

RESOLUTION APPROVING AMENDED FY 2021 MUNICIPAL CREDIT AND COMMUNITY CREDIT CONTRACT WITH SMART TRANSPORTATION

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

WHEREAS, SMART Transportation has provided transportation to and from designated destinations for Highland Park seniors and the disabled; and,

WHEREAS, additionally, the SMART Board of Directors provided an increase to the FY2021 Community Credit Program, which will be available to fund the upcoming year's program; and

WHEREAS, the total amount of the amended contract is \$40,778

NOW THEREFORE BE IT RESOLVED, that the City Council approves the amended Transportation Service Agreement and Municipal Credit and Community Credit contracts for FY 2021 to continue SMART Transportation services to the City's senior and disabled residents. Yeas (4), Nays (0), Absent (0).

**POLICE
10-05-20 VIII**

The following resolution was submitted for approval.

**RESOLUTION TO APPROVE THE PURCHASE OF TWO POLICE VEHICLES FROM
JORGENSEN FORD USING MIDEAL PRICING
AND
RESOLUTION TO SUBMIT AJAX PAVING CONTRACT TO CITY COUNCIL
IMMEDIATELY**

Moved by Councilmember Bates
Supported by Council Pro Tem Patrick

WHEREAS, the Police Department seeks to replace its current aging fleet vehicles to assist in: 1) the reduction of maintenance expenses, and 2) improved vehicle uptime; and

WHEREAS, the City Police Department requested a quote for 2021 Ford Police Interceptor Utility Vehicles through the State of Michigan MiDeal program to obtain optimal pricing; and

WHEREAS, Jorgensen Ford, 333 Michigan Avenue, Detroit, MI 48210 (the MiDeal Ford dealer for Detroit) issued a quote for \$35,866; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City approves the purchase of two 2021 Ford Police Interceptor Utility Vehicles from Jorgensen Ford for approximately \$35,866 each (plus or minus 6%), plus expenses for registration, licensing, etc. Yeas (4), Nays (0), Absent (0).

**PUBLIC WORKS
10-05-20 IX**

The following resolution was submitted for approval.

**RESOLUTION TO REPAIR THE BACK PORCH AND SECURE THE HANDRAIL
BEHIND HIGHLAND PARK CITY HALL**

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

WHEREAS, the City of Highland Park issued an RFP in 2019 to replace the back porch, stairs and parking lot behind City Hall, however, the cost was prohibitive (up to \$155,000); and

WHEREAS, in 2020, the City approved a resolution to repair the driveway approach and

potholes in the parking lot behind City Hall; and

WHEREAS, the porch and stairs have deteriorated to the point where it is dangerous for employees to ingress/egress to/from the building; and

WHEREAS, a bid of \$4,500 for repairing the back porch and securing the handrail was solicited from Century Cement, the same contractor that repaired the parking lot and 69 sinkholes throughout the City; and

NOW, THEREFORE, BE IT RESOLVED that the City approves Century Cement repairing the back porch behind City Hall and securing the handrail at a cost of \$4500 plus or minus 10%. Yeas (4), Nays (0), Absent (0).

ADJOURNMENT

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

To adjourn the meeting, motion carried, meeting adjourned at 9:25 p.m.

CERTIFICATE

I hereby certify that the attached is a copy of the minutes of the Virtual Regular Meeting held the 5th day of October 2020 and that said minutes are available for public inspection at the address designated on the posted public notice.



Cidia Wicker-Brown, Deputy City Clerk