

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

DECEMBER 7, 2020

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

Present: Council Pro Tem Patrick remotely from Highland Park, MI; Councilmember Jackson remotely from Highland Park, MI; Councilmember Bates remotely from Highland Park, MI; Councilmember Armstrong remotely from Highland Park, MI, and Council President Clyburn remotely from Highland Park, MI (5).

Absent: (0).

A quorum being present, Council was declared in session.

APPROVAL OF AGENDA

Moved by Councilmember Armstrong
Supported by Council Pro Tem Patrick

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

APPROVAL OF MINUTES

Moved by Councilmember Armstrong
Supported by Council Pro Tem Patrick

To approve the minutes of the Virtual Regular Meeting held November 16, 2020. Yeas (5), Nays (0), Absent (0).

**PUBLIC HEARING
12-07-20 IV**

The Clerk stated this was the time and place to hold a public hearing to receive comments from interested persons regarding the vacation of streets and alleys for the Means Group Hamilton Corridor project.

Comments were received from Lavinia Davis, Margaret Lewis, Laura Herberg, Debbie Fisher, Jackson Koepfel, Frank Jackson, Sr., Eban Morales, Angela Thomas and members of City Council.

Moved by Council Pro Tem Patrick
Supported by Councilmember Jackson

To close the Public Hearing. Public Hearing closed at 7:57 p.m. Yeas (5), Nays (0), Absent (0).

VETO
12-07-20 V

The following communication was received from Mayor Yopp.

I am exercising my authority, pursuant to Charter Section 6-3, to veto the Resolution adopted that purports to hire legal counsel to represent the City of Highland Park in the matter of *Khursheed Ash-Safii v. City of Highland Park*. This lawsuit is brought against the citizens of the City of Highland Park. No individual Council member is named as a defendant on the pleadings, which I reviewed. This veto is based upon several factors, including:

- City Charter Section 7-5, *Department of Law*, states that the City Attorney shall "Defend the officers and employees of the City in all actions that may be brought against them for acts done in the performance of their duties as officers and employees of the City."
- There is no bona fide dispute between the City Attorney and the City Council because the City Attorney did not object to the adoption of the underlying marihuana ordinance, but simply informed the City Council that they were not adopting it in a legal manner.
- Even in circumstances that support the appointment of outside counsel, it is for the defense of the City Council - not the City as a whole - as the Resolution attempts to do. This entirely undermines the role of the City Attorney and the Executive branch.
- The underlying retainer agreement for Howard and Howard, P.C. has not been approved as to form the City Attorney, as is required by City Charter Section 7-5(6).
- The resolution was introduced by walk on and was not reviewed by the City Attorney, in violation of Charter section 7-5(6).
- This matter was moved to be added to the agenda, moved for a vote, and passed without discussion at this meeting. There had to have been some discussion on this matter. Inasmuch as there having been no evidence of a public discussion of this matter prior to the vote, the only conclusion is that this is a violation of the Open Meetings Act, which is a violation of the law and a misdemeanor under the laws of the State of Michigan.

I hereby veto this action and further state that, for these reasons, the Resolution is without legal effect, regardless of City Council approval.

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

To approve the resolution authorizing Howard & Howard Attorneys PLLC to file a written motion to intervene and for an extension of time to file a responsive pleading, in the action entitled Khursheed Ash-Safii vs. City of Highland Park, Case No. 20-013945-CZ (Wayne County Circuit Court, Hon. Anette J. Berry). Yeas (4), Nays Councilmember Jackson (1), Absent (0).

CITY COUNCIL
12-20-20 VI a

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

To receive and file the communication from H.U.D re: Highland Park Housing Commission. Yeas (4), Nays Councilmember Jackson (1), Absent (0).

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12-07-20 VI b

Councilmember Bates gave an update on the Just Recovery Task Force. He shared that the Task Force met on November 24 and approved the submission of a letter to the Public Service Commission requesting protection for citizens from DTE and other regulated utilities against shut offs and rate increases and other actions. The Task Force will also establish a Just Recovery Focus Group to assist with a Just Recovery Plan. The JRTF is also looking into bulk solar purchase. President Clyburn shared that a program to assist landlords and/or tenants with eviction protection will be in Highland Park on December 17 from 8:00 a.m. to 7:00 p.m. at a location yet to be determined.

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12-07-20 VI c

President Clyburn gave an update on the Marijuana Ordinance. Due to the pending lawsuit, implementation of the ordinance is on hold; however, the application and the processes are being worked on.

ENGINEERING/WATER
12-07-20 VII a

The following resolution was submitted for approval.

RESOLUTION GRANTING CONDITIONAL APPROVAL OF ALLEY AND STREET VACATION FOR THE HAMILTON CORRIDOR PROJECT

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

WHEREAS pursuant to the City Code of Ordinances, it is the responsibility of the City of Highland Park to hold a public hearing; and

WHEREAS the Highland Park City Council has received comments on the recommended street and alley vacations from citizens at a duly advertised public hearing; and

WHEREAS all comments received from citizens at a duly advertised public hearing have been documented; and

WHEREAS the Engineering Department shall grant final approval of alley and street vacation upon applicant providing final documentation and addressing all outstanding issues as requested as part of the site plan review process; and

BE IT RESOLVED that the City of Highland Park grants conditional approval of the applicant's application for alley and street vacation for the Hamilton Corridor Project. Yeas (5), Nays (0), Absent (0).

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11-16-20 VII b

The following resolution was submitted for approval.

RESOLUTION FOR THE SUBMITTAL OF THE 2021 DRINKING WATER ASSET MANAGEMENT (DWAM) GRANT APPLICATION TO THE STATE OF MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES AND ENERGY (EGLE) BY THE CITY OF HIGHLAND PARK WATER DEPARTMENT

Moved by Councilmember Armstrong
Supported by Council Pro Tem Patrick

WHEREAS the City of Highland Park previously received a Significant Deficiency Violation Notice from EGLE regarding April 11, 2016 regarding the existing water infrastructure; and

WHEREAS the City of Highland Park is under an Administrative Consent Order (ACO) by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) formerly the MDEQ, effective July 28, 2017 regarding the existing water infrastructure; and

WHEREAS as a result of exceeding the lead Action Level (AL) in 2019, the City of Highland Park is required under the administrative rules promulgated under the Michigan Safe Drinking Water Act, 1976 PA 399, as amended (Act 399) to meet additional

requirements including water quality parameter monitoring, source water monitoring, corrosion control treatment, and public education, as well as being mandated to replace a higher percentage of lead service lines; and

WHEREAS the Drinking Water Asset Management (DWAM) Grant is the first available grant program developed by EGLE under Michigan's new Clean Water Plan that invests in water infrastructure. The grant assist Highland Park with the annual Asset Management Plan (AMP) development and the Distribution System Materials Inventory (DSMI) as defined in Michigan's Lead and Copper Rule. \$36.5 million is available with a maximum grant award of \$1 million, per applicant; and

WHEREAS the Water Department will utilize grant funds to continue to map the water main infrastructure and lead water service lines throughout the city to assist with planning future rehabilitation and replacement projects; and

BE IT RESOLVED, the City of Highland Park City Council approves the submittal of the 2021 Drinking Water Asset Management (DWAM) Grant Application requesting a total of \$362,778 to the State of Michigan Department of Environment, Great Lakes, and Energy (EGLE) before January 1, 2021. Yeas (5), Nays (0), Absent (0).

ADJOURNMENT

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

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

CERTIFICATE

I hereby certify that the attached is a copy of the minutes of the Virtual Regular Meeting held the 7th day of December 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