

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

APRIL 17, 2023

Council convened at 7:00 p.m. with Council President Thomas presiding.

Present: Council President Thomas, Council Pro Tem Robinson, Councilwoman Manica, Councilwoman Martin, and Councilman Ash-Shafii (5).

Absent: (0).

A quorum being present, Council was declared in session.

APPROVAL OF AGENDA

Moved by Councilwoman Manica
Supported by Councilman Ash-Shafii

To add the resolution recommending Highland Park proceed under Chapter 9. Yeas (3) Thomas, Manica, and Ash-Shafii, Nays (2) Robinson and Martin, Absent (0).

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Moved by Councilwoman Manica
Supported by Council President Thomas

To approve the amended agenda. Yeas (4) Thomas, Manica, Martin and Ash-Shafii, Nays (1) Robinson, Absent (0).

APPROVAL OF MINUTES

Moved by Councilwoman Martin
Supported by Councilman Ash-Shafii

To approve the minutes of the In-Person and Virtual Regular meeting held April 3, 2023. Yeas (5), Nays (0), Absent (0).

**CITY COUNCIL
04-17-23 V**

The following resolution was submitted for approval.

**RESOLUTION RECOMMENDING THAT HIGHLAND PARK PROCEED UNDER
CHAPTER 9 PURSUANT TO MCL 141.1565(23) OF PUBLIC ACT 436 OF 2012**

Moved by Councilwoman Manica
Supported by Council President Thomas

WHEREAS, Governor Snyder declared a financial emergency in April 2014 which resulted in the election of a Neutral Evaluation Process, under P.A. 436 of 2012, Sec. 23 (MCL 141.1565(23)); and

WHEREAS, Highland Park completed obligations outlined in the final report from the Neutral Evaluator dated September 6, 2014, appointed under Act 436, MCL 141.1565, and reimbursement obligations under a Remarketing Agreement with Fifth Third Bank, and other obligations outlined under the Emergency Loan Agreement dated September 26, 2014, except for claims by Detroit and Detroit Water and Sewer Department ("DWSD") which resulted in an unconcluded Neutral Evaluation Process; and

WHEREAS, on April 4, 2023, the Michigan Supreme Court denied the City of Highland Park's application to appeal the Court of Appeals' August 18, 2022, unpublished opinion which overruled the trial court's February 26, 2021 ruling which vacated an April 30, 2015, partial summary judgment; and

WHEREAS, Highland Park collects only about \$9.6 million (FY 2022) per year in property taxes which is its major source of income and also includes the millage to pay pension benefits to retired employees; and

WHEREAS, GLWA's avowed intent to spread this previously vacated 2015 judgment of between \$19,839,658.32 and \$24,488 023.47 on the tax rolls, creates an emergency situation by increasing property taxes of the taxpayers by a factor of over three times, which will make property taxes uncollectible and eliminate the major source of income to cover costs of health, safety, and welfare of the City, the pension benefits of the retirees, and the costs paid from property taxes by schools and other State, County, and regional property tax recipients; and

WHEREAS, the Michigan Supreme Court Order that "reinstates" a partial summary judgment that was vacated by the Circuit Court on February 26, 2021, means that Highland Park has reached the last step in attempting to resolve Detroit/GLWA' s claims under the Neutral Evaluation Process which invokes the policy of Public Act 436 of 2012, Sec. 23 which reads, in relevant part, as follows:

If the neutral evaluation process does not resolve all pending disputes with the local government and the interested parties, or if subsection (22)(b), (c), or (d) applies, the governing body of the local government shall adopt a resolution recommending that the local government proceed under chapter 9 and submit the resolution to the governor and the state treasurer. Except as otherwise provided in this subsection, if the local government has a strong mayor, the resolution requires strong mayor approval before the local government proceeds under chapter 9. The resolution shall include a statement determining that the financial condition of the local government jeopardizes the health, safety, and welfare of the residents who reside within the local government or service area of the local government absent

the protections of chapter 9. If the governor approves the resolution for the local government to proceed under chapter 9, the governor shall inform the local government in writing of the decision. The governor may place contingencies on a local government in order to proceed under chapter 9 including, but not limited to, appointing a person to act exclusively on behalf of the local government in the chapter 9 bankruptcy proceedings. If the governing body of the local government fails to adopt a resolution within 7 days after the neutral evaluation process is concluded as provided in this subsection, the governor may appoint a person to act exclusively on behalf of the local government in chapter 9 bankruptcy proceedings. If the governor does not appoint a person to act exclusively on behalf of the local government in chapter 9 bankruptcy proceedings, the chief administrative officer of the local government shall act exclusively on behalf of the local government in chapter 9 bankruptcy proceedings. Upon receiving written approval from the governor under section 26, the local government may file a petition under chapter 9 and exercise powers under federal bankruptcy law."; and

WHEREAS, on April 6, 202, GLWA filed its motion to put on the tax rolls, under its name, a judgment issued July 31, 2014, to the City of Detroit, for a total of \$24,488,023.47; and

WHEREAS, GLWA has forced Highland Park back into Court this Thursday, April 20, 2023, on this motion because it wants to discontinue water service and put the tax levy on the City tax rolls; and

WHEREAS, this Motion to increase Highland Park's property owner's taxes by \$24,488,023.47 will be heard in the Wayne County Courtroom of Honorable Judge Edward J. Joseph on Thursday April 20, 2023; and

WHEREAS, GLWA has just sent a letter demanding \$2. 7 million for a 90-day stay of the new case (No. 20-011589 in the Honorable Judge Annette J. Berry's court) (Exhibit 1, p. 1) conditioned upon Highland Park's dropping its Motion to Stay any turn-off of potable water and dropping Highland Park's motion to stay the imposition of the tax levy (Exhibit 2), thereby giving GLWA a second opportunity to turn off Highland Park's drinking water as they threatened in 2015 (Exhibit 3).

NOW, THEREFORE, BE IT RESOLVED, that the Highland Park City Council hereby resolves as provided in MCL 141.1565(23) of the Act to proceed under Chapter 9, subject to the approval of the Mayor, as the only way to preserve the health, safety, and welfare of the City of Highland Park, and the pension benefits millage for the retirees of the City of Highland Park; and

BE IT FURTHER RESOLVED, that as provided in the last sentence of MCL 141.1565(23), Highland Park requests that not later than Thursday, April 20, 2023, or the moment the Circuit Court indicates that it is likely to rule for GLWA on its Motion to execute the \$24,488,023.47 tax levy, that the Governor provide written approval under Act 436, Sec. 26, authorizing Highland Park to file a petition under Chapter 9 as the only apparent solution to this urgent, potentially catastrophic financial and humanitarian crisis; and

BE IT FINALLY RESOLVED, that this resolution be submitted to the Governor and the Treasurer by email and certified mail as soon as it is passed and certified so that it can be given due consideration before the Thursday, April 20, 2023, hearing on assessing the \$24.488.023.47

as property taxes against the City of Highland Park. Yeas (3) Thomas, Manica and Ash-Shafii, Nays (2) Robinson and Martin, Absent (0).

**PUBLIC HEARING
04-17-23 VI**

The Clerk stated this was the place and time to hold a Public Hearing to receive citizen's comments on proposed sewer distribution improvement project to rehabilitate sections of the sewer system.

Director Damon Garrett, Andrew Richmond and Neha Bono of the Water Department presented on the proposed sewer system improvements and answered questions from Council and residents.

Comments were made by Daniel Packman, Nathan Harvey, Lucy Frye, Shannon Brice, Debra Humphrey Lorne McGee, Chico Hamilton, and Jerome Drain.

Moved by Councilwoman Manica
Supported by Councilman Ash-Shafii

To close the Public Hearing. Yeas (5), Nays (0), Absent (0). Public Hearing closed at 9:48 p.m.

**CITY CLERK
04-17-23 VII**

The Clerk submitted a Parade Permit application for approval for June 19, 2023 from Juneteenth Outreach Detroit.

Moved by Councilwoman Martin
Supported by Councilwoman Manica

To table the above item to the May 1, 2023 meeting. Yeas (5), Nays (0), Absent (0).

**CITY COUNCIL
04-17-23 VIII**

Moved by Councilwoman Manica
Supported by Councilman Ash-Shafii

To receive and file the presentation from Wayne Metropolitan Community Action Agency. Yeas (5), Nays (0), Absent (0).

**ENGINEERING
04-17-23 IX**

The following resolution was submitted for approval.

RESOLUTION TO SOLICIT CONTRACTOR FOR SINKHOLE REPAIRS

Moved by Councilman Ash-Shafii
Supported by Councilwoman Martin

WHEREAS, since 2019, the City Engineering Department, in conjunction with the Department of Public Works, has continuously assessed all of the public roadways in the city and identified and repaired roads, sinkholes and catch basins throughout the City that posed a potential threat to the infrastructure as well as to the safety of the residents and road users; and

WHEREAS, since 2019, the following repairs have been completed:

Year	# of repairs	Approx. Cost
2019	69	\$318,000
2021	79	\$393,750
2022	56	\$299,998.42

WHEREAS, the City Engineering Department would like to repair 48 sinkholes/catch basins in 2023 with the first 33 identified on the attached listing; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City approves soliciting bids for 48 sinkhole repairs to be completed as Act 51 funds become available. Yeas (3), Thomas, Robinson and Manica, Nays (2), Martin and Ash-Shafii, Absent (0).

**FINANCE
04-17-23 X a**

Moved by Councilman Ash-Shafii
Supported by Councilwoman Manica

To receive and file the Monthly Financial Statement March 2023. Yeas (4) Thomas, Robinson, Manica and Ash-Shafii, Nays (1) Martin, Absent (0).

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04-17-23 X b

Moved by Councilman Ash-Shafii
Supported by Councilwoman Manica

To receive and file the Proposed FY 23-24 Budget. Yeas (5), Nays (0), Absent (0).

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04-17-23 X c

Moved by Councilman Ash-Shafii
Supported by Councilwoman Martin

To hold a Special Budget Workshop on May 8 at 5:30 p.m. and a Public Budget Hearing Monday May 15, 2023 at 7:00 p.m. Yeas (5), Nays (0), Absent (0).

POLICE

04-17-23 XI a

The following resolution was submitted for approval.

RESOLUTION TO APPROVE THE PURCHASE OF A POLICE K9 AND OFFICER HANDLER TRAINING FROM OAKLAND COMMUNITY COLLEGE

Moved by Councilman Ash-Shafii
Supported by Councilwoman Manica

WHEREAS the City wishes to add a police K9 to the patrol division of the department. The K9 will assist in 1) the reduction of crime, and 2) the improvement of public relations 3) the enhancement of search and rescue efforts 4) Criminal Apprehension.

WHEREAS the City of Highland Park Police Department requested a quote for a police K9 and Handler training; and

WHEREAS, Oakland Community College, offered to train a handler and supply a pre-trained Police K9 for \$14,000.00; and

WHEREAS Oakland Community College is an MCOLES recognized accredited police training academy which provides services eligible for State of Michigan 302 Funding. Public Act 302 is a program that annually distributes justice training funds to eligible agencies for in-service criminal justice training of their MCOLES-Licensed law enforcement officers; and

WHEREAS the City currently has 302 funding to cover costs associated with training the handler; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the city approves the purchase of a police K9 and handler training from Oakland Community College for a total cost of \$14,000.00 Yeas (5), Nays (0), Absent (0).

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04-17-23 XI b

The following resolution was submitted for approval.

RESOLUTION TO APPROVE THE PURCHASE OF (3) THREE POLICE VEHICLES FROM LAFONTAINE GMC TO BE FUNDED THROUGH THE CURRENT AVAILABLE FUNDS FROM THE 2022/2023 POLICE BUDGET

Moved by Councilman Ash-Shafii
Supported by Councilwoman Manica

WHEREAS, the City wishes to add (3) three new patrol vehicles to replace the current aging fleet. Vehicles will assist in 1) the reduction of maintenance expenses, 2) improved vehicle uptime and 3) the reduction of crime, and

WHEREAS the City of Highland Park Police Department requested a quote for (3) three new 2023 Vehicles through the State of Michigan MiDEAL program to obtain optimal pricing; and

WHEREAS, Lafontaine GMC, offered (3) three new police vehicles for \$96,190.00; and

WHEREAS the vehicles will require upfitting at a total cost not to exceed \$19,810.00; and

WHEREAS the State of Michigan MiDEAL Program is an extended purchasing program which allows Michigan cities to use state contracts to buy goods and services; and

WHEREAS the City is currently a MiDEAL dues paying member and Lafontaine is a MiDEAL vendor; and

WHEREAS the prices from the MiDEAL contract for vehicles from Lafontaine has an overall savings of approximately \$10,100.00 that could be realized by the City when compared to vehicles purchased from other vendors; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City approves the purchase of (3) three vehicles from Lafontaine GMC for a total cost of \$96,190.00 and upfitting not to exceed \$19,810.00. Yeas (4) Thomas, Robinson, Manica and Ash-Shafii, Nays (1) Martin, Absent (0).

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04-17-23 XI c

The following resolution was submitted for approval.

RESOLUTION TO APPROVE THE PURCHASE OF RISK MANAGEMENT SERVICES AND AN UPDATED POLICE POLICY MANUAL FROM LEXIPOL SOLUTIONS

Moved by Councilman Ash-Shafii
Supported by Councilwoman Manica

WHEREAS the City wishes to purchase an updated Police Policy Manual and daily training for a year. The Policy Manual will assist in 1) the reduction of civil liability, 2) the protection of Citizens, 3) the protection of Officers 4) the reduction in insurance rates.

WHEREAS the City of Highland Park Police Department requested a quote from Lexipol Solutions for an updated Policy Manual and daily training for a year; and

WHEREAS, Lexipol Solutions, is a unique company that offers the services needed to achieve our agency accreditation goal, Lexipol provides services to over 10,000 public safety agencies and is recognized in the State of Michigan as a premier risk management company; and

WHEREAS Lexipol Solutions agreed to assess our current policies and create an updated policy manual to meet the needs of the Highland Park Police Department. They further agreed to provide daily training based on current state and federal laws. They will provide the listed Police Manual and training services for \$44,380.80 for one year; and

WHEREAS Lexipol will continue to provide updates to the manual and daily training for \$13,493.60 annually after the one-year term expires should the city desire to continue their services; and

WHEREAS the City currently has funds available in the First Responders Grant to fund the creation of the updated police policy manual and the annual subscription; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the city approves the purchase of an updated Police Policy Manual and daily training and monitoring for one year from Lexipol Solutions for a total cost of \$44,380.80. Yeas (5), Nays (0), Absent (0).

RECREATION
04-17-23 XII a

**RESOLUTION TO ACCEPT FY2023 ECONOMIC DEVELOPMENT
INITIATIVE/COMMUNITY PROJECT FUNDING**

Moved by Councilman Ash-Shafii
Supported by Councilwoman Martin

WHEREAS, on May 19, 2022, Congresswoman Rashida Tlaib acknowledged receipt of an application for a Community Project - Direct Funding Grant from the City of Highland Park, and

WHEREAS, on January 23, 2023, the City of Highland Park received the following notification:

Congratulations on obtaining EDI Community Project Funding/Congressionally directed grants. The FY 2023 grants portfolio will be administered by the Congressional Grants Division of the U.S. Department of Housing and Urban Development (HUD). HUD refers to these grants as Economic Development Initiative / Community Project Funding (EDI/CPF) grants starting on page 165; and

WHEREAS, funding will be used for the following improvements at the Recreation Center and adjacent Ives Field: 1) add ADA compliant sidewalk/walking path, 2) add playscape, 3) section off rooms for health/wellness spaces, 4) add drainage to prevent flooding, 5) update equipment (cardio/weights, etc.), 6) replace broken water fountain with fill stations, and 7) replace air filtration system; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the city accept the FY 2023 Community Project - Direct Funding Grant in the amount of \$496,000. Yeas (5), Nays (0), Absent (0).

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04-17-23 XII b

RESOLUTION TO ENTER INTO CONTRACT WITH THE CHARTER COUNTY OF WAYNE TO COOPERATIVELY FUND THE PURCHASE AND INSTALLATION OF A PLAY STRUCTURE AT MIDLAND FIELD

Moved by Councilman Ash-Shafii
Supported by Councilwoman Martin

WHEREAS, the Charter County of Wayne and the City of Highland Park have an interest in entering into cooperative parks and recreation projects that are mutually beneficial to the citizens of Wayne County; and

WHEREAS, the County will cooperatively fund the purchase and installation of a play structure at Midland Field Park in accordance with the attached contract; and

WHEREAS, the FY 2022-2023 funding provided by the County for the recreational project shall not exceed Fifty Thousand Dollars (\$50,000); and

WHEREAS, Wayne County has forwarded the attached contract to Highland Park to formalize the agreement to cooperatively fund the purchase and installation; and

THEREFORE, BE IT RESOLVED, that the City of Highland Park formally approves the contract with the Charter County of Wayne for up to \$50,000.00 to cooperatively fund the purchase and installation of a play structure at Midland Field Park. Yeas (5), Nays (0), Absent (0).

**WATER
04-17-23 XIII**

A RESOLUTION REQUESTING SUBMISSION OF THE 2024 CLEAN WATER STATE REVOLVING FUND (CWSRF) PROJECT PLAN APPLICATION FOR THE CITY OF HIGHLAND PARK TO THE DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY (EGLE)

Moved by Councilman Ash-Shafii
Supported by Councilwoman Martin

WHEREAS, the 2024 Clean Water State Revolving Fund was advertised on March 29th, 2023 and available for inspection; and

WHEREAS it is necessary for the City of Highland Park Water Department to address sewer infrastructure improvements; and

WHEREAS, it is the intent of the Water Department Director to submit the 2024 CWSRF Project Plan Application for the City of Highland Park requesting \$8,000,000 over the next Five Years; and

WHEREAS, it is the intent of the Water Department Director that, if funds are awarded, shall be applied to improvements identified in the 2024 CWSRF Project Plan Application for the City of Highland Park; and

WHEREAS, the Water Department shall address or include all applicable comments and feedback received during the public hearing at the April 17, 2023 City Council meeting in the final CWSRF Project Plan prior to submittal to EGLE on May 1, 2023

BE IT RESOLVED, that the City of Highland Park City Council approves the submission of 2024 CWSRF Project Plan to EGLE on May 1, 2023. Yeas (5), Nays (0), Absent (0).

ADJOURNMENT

Moved by Councilwoman Manica
Supported by Council Pro Tem Robinson

To adjourn the meeting, motion carried, meeting adjourned at 11:07 p.m.

CERTIFICATE

I hereby certify that the attached is a copy of the minutes of the In-Person and Virtual Regular Meeting held the 17th day of April 2023 and that said minutes are available for public inspection at the address designated on the posted public notice.

Brenda Green, City Clerk