

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

May 1, 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).

* Entered the meeting at 7:03 p.m.

Absent: (0).

A quorum being present, Council was declared in session.

APPROVAL OF AGENDA

Moved by Councilman Ash-Shafii
Supported by Council Pro Tem Robinson

To remove item VII Outside Communication. Yeas (4) Thomas, Robinson, Manica, and Ash-Shafii, Nays (0), Absent (1) Martin.

*

Moved by Councilwoman Manica
Supported by Councilman Ash-Shafii

To add resolution to retain tax levy lawyer. Yeas (2) Thomas and Manica, Nays (3) Robinson, Martin and Ash-Shafii, Absent (0).

*

Moved by Councilwoman Manica
Supported by Council President Thomas

To approve the amended agenda. Yeas (2) Thomas and Manica, Nays (3) Robinson, Martin and Ash-Shafii, Absent (0).

APPROVAL OF MINUTES

Moved by Councilwoman Manica
Supported by Council President Thomas

To approve the minutes of the In-Person and Virtual Special meeting held April 10, 2023. Yeas (2) Thomas and Manica, Nays (3) Robinson, Martin and Ash-Shafii, Absent (0).

*

Moved by Councilwoman Manica
Supported by Council President Thomas

To approve the minutes of the In-Person and Virtual Regular meeting held April 17, 2023. Yeas (2) Thomas and Manica, Nays (3) Robinson, Martin and Ash-Shafii, Absent (0).

*

Moved by Councilwoman Martin
Supported by Council Pro Tem Robinson

To approve the minutes of the In-Person and Virtual Special meeting held April 20, 2023. Yeas (5), Nays (0), Absent (0).

Attorneys Robert Hertzberg and Deborah Kovsky-Apap with Troutman Pepper Law Firm gave a presentation on Chapter 9 Bankruptcy for municipalities.

Moved by Councilwoman Manica
Supported by Councilman Ash-Shafii

To add resolution to retain tax levy lawyer. Yeas (2) Thomas and Manica, Nays (3) Robinson, Martin and Ash-Shafii, Absent (0).

VETO
05-01-23 V a

The following communication was received from Mayor McDonald.

On April 20, 2023, the City Council passed a Resolution for a Special Meeting and a Public Hearing for the First Reading of the Proposed Amendment to the Highland Park Marijuana Ordinance 2020¹-3 to be scheduled on Thursday, April 27, 2023 at 7pm. The Council is hereby on notice that pursuant to Charter Section 6-3, I am vetoing that action and thereby suspending the operation of that Resolution. While I understand Council's concerns, they must adhere to the provisions and procedures implemented for amending ordinances. The Proposed Amendments are not ready for a First Reading as the document is ambiguous, inaccurate, and incomplete; it was not approved by the City Attorney; is contrary to the City Charter and inconsistent with State law.

For the reasons stated above, the Resolution is without legal effect absent a vote to adopt the Resolution at the next regular meeting of the City Council by an affirmative vote of at least four of its members.

Moved by Councilwoman Martin
Supported by Councilman Ash-Shafii

To override the Mayor's veto. Yeas (3) Robinson, Martin and Ash-Shafii, Nays (2) Thomas and Manica, Absent (0).

05-01-23 V b

The following communication was received from Mayor McDonald.

I am hereby exercising my authority pursuant to Charter Section 6-3 to veto the Resolution adopted by City Council on April 20, 2023 requesting the City Clerk publish the Special Meeting pursuant to the City Charter. Please take notice that the Proposed Amendments are not ready for a First Reading. Contrary to Section 6-2(a) Ordinances in General - "Form. Every proposed ordinance shall be introduced in writing and in the form required for final adoption." The document presented does not comport with the form nor substance of any document that should be presented to the public. In addition, Section 6-2(d) - Amendments. Ordinances may be amended by the adoption of subsequent ordinances following the above procedure for adoption. The Proposed Amendments to the Ordinance are ambiguous, inaccurate, incomplete; not approved by the City Attorney; contrary to the City Charter and inconsistent with State law.

This Veto suspends the operation of that Resolution and is without legal effect absent a vote to adopt the Resolution at the next regular meeting of the City Council by at least four of its members.

**** No Action Taken ****

*

05-01-23 V c

The following communication was received from Mayor McDonald.

On April 20, 2023, City Council voted on a Motion Regarding Moratorium on Acceptance of Applications For Medical Marijuana Facilities and Adult Use Marijuana Facilities. The Motion was passed but no Resolution was presented in support.

The Council is hereby on notice that pursuant to the authority vested in the Mayor under Charter Section 6-3. I am vetoing that "Action", suspending the operations of such "Action" as it has no legal effect; is inconsistent with the Court's Order in Hanko Holdings LLC v. City of Highland Park; is contrary to case law and subjects the City to civil liability.

**** No Action Taken ****

*

05-01-23 V d

The following communication was received from Mayor McDonald.

Pursuant to Charter Section 6-3, I am exercising my power to veto the action adopted by City Council on April 20, 2023 alleging a bona fide dispute between the City Attorney and City Council regarding the process for amending Ordinance Number 2020-3 and retaining Attorney Paul Tylanda and the Law Firm of Tylanda PLLC. My reasons for vetoing Council's actions are based on the following Charter Provisions:

Section 7-1- Exclusively vests the administrative and executive powers of the City with the Mayor.

Section 7-2 -The Mayor has the power to the appointment of an attorney to act as the City Attorney.

Section 7-5 - The City Attorney has the responsibility to prepare or review all ordinances, contracts,

bonds, and written instruments of a legal nature. The City attorney did not prepare or review the Proposed Amendments to the Ordinance nor the contract for outside counsel.

Section 7-5(6)(c) - There is no bona fide dispute. Council's attempt to amend the ordinance is inconsistent with the City Charter and contrary to the laws of the State of Michigan. Consequently, independent counsel can have no greater authority than the City Attorney would have under the Charter and thus there is no legal basis or justification for wasting taxpayer's money.

Objecting to an Ordinance does not obviate the need to follow the process for amending same under Section 6-2 of the City Charter. Furthermore, there was no Resolution presented to approve the contract with the Attorney Paul Tylanda and the Law Firm of Tylanda PLLC.

For the reasons stated above, the action is without legal effect and an affirmative vote of at least four members of City Council is required to validate the contract.

**** No Action Taken ****

**TABLED ITEM
05-01-23**

The following item was tabled at the April 17, 2023 meeting.

Moved by Councilman Ash-Shafii
Supported by Council Pro Tem Robinson

To bring back from the table. Yeas (5), Nays (0), Absent (0).

Parade Permit application for June 19, 2023 from Juneteenth Outreach Detroit.

Moved by Councilman Ash-Shafii
Supported by Councilwoman Manica

To approve the Parade Permit Application for June 19, 2023 from Juneteenth Outreach upon receipt of updated application outlining new route. Yeas (5), Nays (0), Absent.

**PUBLIC WORKS
05-01-23 VI a**

The following resolution was submitted for approval.

RESOLUTION TO EXTEND STREET SWEEPING CONTRACT FOR PROGRESSIVE SWEEPING CONTRACTORS, INC. FOR AN ADDITIONAL YEAR

Moved by Councilman Ash-Shafii
Supported by Councilwoman Manica

WHEREAS, on June 3, 2019, the City approved a three-year contract with Progressive Sweeping to sweep City streets; and

WHEREAS, on June 6, 2022, the City approved a one-year extension; and

WHEREAS, the City of Highland Park has 7 miles of major roadways and 46 miles of local roadways; and

WHEREAS, street sweeping is essential to remove debris from the city streets that clog drains and leave standing water after rain events; and

WHEREAS, the City wishes to extend Progressive Sweepings contract for an additional year at a total cost of \$247,194, which consists of a spring sweep (requires extensive scraping as in 2021 spring sweep) at a cost of \$163,917 and a fall sweep at a cost of \$83,277 (see attached); and

NOW, THEREFORE, BE IT RESOLVED that the City approves an additional one-year extension to the Progressive Sweeping Contractors, Inc. contract for a price not to exceed \$247,194 using Act 51 funds. Yeas (4) Thomas, Robinson, Manica and Ash-Shafii, Nays (1) Martin, Absent (0).

*

05-01-23 VI b

The following resolution was submitted for approval.

RESOLUTION TO AMEND CONTRACT WITH GFL ENVIRONMENTAL USA, INC. FOR WASTE DISPOSAL SERVICES

Moved by Councilman Ash-Shafii
Supported by Councilwoman Manica

WHEREAS, on April 13, 2018, Highland Park entered into a contract with GFL Environmental USA, Inc., for waste disposal services which expires on June 30, 2023; and

WHEREAS, the City and GFL mutually agree to extend the contract for one calendar year to expire on June 30, 2024; and

NOW, THEREFORE, BE IT RESOLVED that the City of Highland Park approves an addendum to the GFL Environmental USA, Inc., contract to extend the contract to June 30, 2024. Yeas (5), Nays (0), Absent (0).

OUTSIDE COMMUNICATION

05-01-23 VII

The following communication was received from Attorney Robin Kyle.

Attached you will find correspondence containing a second and final statutory demand for retraction pursuant to MCL §600.2911 (b). This demand is directed to the Highland Park City Council. Please place this demand on the city council's agenda for the next scheduled council meeting. My previous statutory demand for retraction was not placed upon the City Council's agenda as requested. If this demand is not placed upon the council's agenda, my client will assume his demand for retraction has been denied or ignored and will govern himself accordingly.

Moved by Councilman Ash-Shafii
Supported by Council President Thomas

To receive and file the above communication. Yeas (5), Nays (0), Absent (0).

ADJOURNMENT

Moved by Councilwoman Martin
Supported by Councilman Ash-Shafii

To adjourn the meeting, motion carried, meeting adjourned at 9:54 p.m.

CERTIFICATE

I hereby certify that the attached is a copy of the proposed minutes of the In-Person and Virtual Regular Meeting held the 1st day of May 2023 and that said minutes are available for public inspection at the address designated on the posted public notice.


Brenda Green, City Clerk