

MINUTES OF THE REGULAR MEETING OF THE HIGHLAND PARK CITY COUNCIL

April 2, 2018

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

Present: Council Pro Tem McDonald, Councilmember Woodard, Councilmember Lewis, Councilmember Marshall and Council President Patrick. (5).

Absent: None

A quorum being present, Council was declared in session.

APPROVAL OF AGENDA

**Moved by Councilmember Marshall
Supported by Councilmember Lewis**

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

APPROVAL OF MINUTES

**Moved by Council Pro Tem McDonald
Supported by Councilmember Marshall**

To approve the minutes from the Workshop Meeting held March 19, 2018. Yeas (5), Nays (0), Absent (0).

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

To approve the minutes from the Regular Meeting held March 19, 2018. Yeas (5), Nays (0), Absent (0).

MAYOR:

04-2-18 V.

The following VETO NOTICE was received from the Mayor.

Pursuant to Section 6-3 of the City Charter, Veto of Council Action, the purpose of this letter is to veto and therefore suspend the operation of Council's vote to not support any resolution with the ballot language question requested by the expired Charter Commission to be placed on the ballot during the 2018 election cycle. My reasons for vetoing Council's action are set forth below:

1. The Charter Commission adopted the proposed charter on November 2, 2017, and it is scheduled for election for voter approval for May 8, 2018, or at such other date as shall be scheduled by the City Clerk. Such actions are within the authority of the Charter Commission under the provisions of Sections 18 of the Home Rule Cities Act.

2. Section 18 also provide that a revised charter shall be adopted by the charter revision commission with three years after proposal to revise the charter was adopted by the voters—which occurred on November 4, 2014. The proposed charter was adopted well within the three year period and before the expiration of the charter revision commission's term. Section 18 does not require that the election for voter approval occur within that three year frame or before the expiration of the charter commission's term.

3. The language of the ballot does not have to approve by Council, unless specific provisions for the charter must be decided as separate ballot propositions.

Moved by Councilmember Lewis

Supported by Council Pro Tem McDonald

To override the Mayor's veto. Yeas (5), Nays (0), Absent (0).

CITY ADMINISTRATOR:

04-2-18 VI-a

The following resolution was submitted for approval.

**NOTICE OF INTENT RESOLUTION 2017 CAPITAL IMPROVEMENT BONDS
(LIMITED TAX GENERAL OBLIGATION)**

WHEREAS, the City of Highland Park, County of Wayne, State of Michigan (the "City") intends to issue and sell bonds in one or more series pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act"), in an aggregate amount not to exceed Four Million Eighty Thousand Dollars (\$4,080,000) (the "Bonds"), for the purpose of paying the costs of acquiring, constructing and installing certain water main replacements, and additions, extensions and improvements to the water supply system of the City, together with all necessary interests in land, rights-of-way, appurtenances and attachments thereto (the "Project"); and

WHEREAS, the City has been advised by the Michigan Department of Environmental Quality that financial assistance to accomplish the acquisition and construction of the Project is available through the Drinking Water Revolving Fund ("DWRF") loan program administered by the Michigan Finance Authority; and

WHEREAS, the City has made application for participation in the DWRF loan program; and

WHEREAS, a notice of intent to issue the Bonds must be published before the issuance of the Bonds in order to comply with the requirements of Section 517 of Act 34; and

WHEREAS, in order to be reimbursed from proceeds of the Bonds, the City must state its intention to do so in advance

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is authorized and directed to publish a notice of intent to issue bonds in the Michigan Chronicle, a newspaper of general circulation in the City.

2. The notice of intent shall be published as a display advertisement not less than one-quarter (1/4) page in size in substantially the form attached to this resolution as Exhibit A.

3. The City Council does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the City's electors and taxpayers residing in the boundaries of the City of the City's intent to issue the Bonds, the maximum amount of the Bonds, the purpose of the Bonds, the source of payment for the Bonds and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(a) As of the date hereof, the City reasonably expects to reimburse itself for the expenditures described in (b) below with proceeds of debt to be incurred by the City.

(b) The expenditures described in this paragraph (b) are for the paying of the costs of the Project which were paid or will be paid subsequent to sixty (60) days prior to the date hereof from revenues of the water supply system or the general funds of the City.

(c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$4,080,000.

5. The City hereby confirms the retention of Miller, Canfield, Paddock and Stone, P.L.C. ("Miller Canfield") as bond counsel in connection with the Bonds. The City has been advised that Miller Canfield has represented the Michigan Finance Authority in the past and may be representing the Michigan Finance Authority presently in connection with various matters including the Drinking Water Revolving Fund loan program and the City consents to the representation of the Michigan Finance Authority by Miller Canfield in connection with the

Drinking Water Revolving Fund loan program that may be utilized by the City in connection with the Bonds,

6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded. Yeas (5), Nays (0), Absent (0).

04-2-2018-b

The following resolution was submitted for approval.

RESOLUTION AUTHORIZING NOTICE OF INTENT TO ISSUE BONDS AND DECLARATION OF INTENT TO REIMBURSE FROM BOND PROCEEDS (DWRF BONDS)

Moved by Councilmember Woodard
Supported by Councilmember Lewis

WHEREAS, the City of Highland Park, County of Wayne, State of Michigan (the “City”), intends to issue and sell bonds in one or more series pursuant to Act 94, Public Act of Michigan, 1933, as amended (“Act 94”), in an aggregate amount not to exceed Four Million Eighty Thousand Dollars (\$4,080,000) (the “Bonds”), for the purpose of paying the costs of acquiring, constructing and installing certain, water main replacements, and additions, extensions and improvements to the water supply system of the City, together with all necessary interests in land, rights-of-way, appurtenances and attachments thereto (the “Project”); and

WHEREAS, the City has been advised by the Michigan Department of Environmental Quality that financial assistance to accomplish the acquisition and construction of the Project is available through the Drinking Water Revolving Fund (“DWRF”) loan program administered by the Michigan Finance Authority; and

WHEREAS, the City has made application for participation in the DWRF loan program; and

WHEREAS, a notice of intent to issue the Bonds must be published in order to comply with the requirements of Section 33 of Act 94; and

WHEREAS, in order to be reimbursed from proceeds of the Bonds, the City must state its intention to do so in advance.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is authorized and directed to publish a notice of intent to issue the Bonds in the Michigan Chronicle, a newspaper of general circulation in the City.

2. Said notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the following form:

3. The City Council has determined that the foregoing form of notice of intent to issue the Bonds and the manner of publication directed was the method best calculated to give notice to the water supply system’s users and the City’s taxpayers and electors of this City’s intent to issue the Bonds, the purpose of the Bonds, the security for the Bonds and the right of referendum relating

thereto, and the newspaper named for publication was determined to reach the largest number of persons to whom the notice is directed.

4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(a) As of the date hereof, the City reasonably expects to reimburse itself for the expenditures described in (b) below with proceeds of debt to be incurred by the City.

(b) The expenditures described in this paragraph (b) are for the paying of the costs of the Project which were paid or will be paid subsequent to sixty (60) days prior to the date hereof from revenue of the water supply or the general funds of the City.

(c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$4,080,000.

5. The City hereby confirms the retention of Miller, Canfield, Paddock and Stone, P.L.C. (Miller Canfield”) as bond counsel in connection with the Bonds. The City has been advised that Miller Canfield has represented the Michigan Finance Authority in the past and may be representing the Michigan Finance Authority presently in connection with various matters including the Drinking Water Revolving Fund loan program and the City consents to the representation of the Michigan Finance Authority by Miller Canfield in connection with the Drinking Water Revolving Fund loan program that may be utilized by the City in connection with the Bonds.

6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and same hereby are rescinded. Yeas (5), Nays (0), Absent (0).

CITY CLERK:

04-2-18-VII

The Clerk submitted a Special Event application from Highland Park Business Association.

Highland Park Business Association is requesting to hold their 9th Annual Highland Park Music Festival July 19 -22, 2018 from 10:00 a.m. to 11:00 p.m. on the grounds of McGregor Library and the field on California and Woodward Ave.

Moved by Council Pro Tem McDonald
Supported by Councilmember Marshall

To approve the Special Event application from the HPBA to hold their 9th Annual Highland Park Music Festival July 19-22, 2018 from 10:00 a.m. to 11:00 p.m. on the grounds of McGregor Library and the field on California and Woodward Ave. Yeas (5), Nays (0), Absent (0).

COMMUNITY DEVELOPMENT:

04-2-18-VIII

The TIFA Annual report for 2017 was submitted.

Moved by Councilmember Woodard

Supported by Councilmember Marshall

To received and file the report. Yeas (5), Nays (0), Absent (0).

WATER DEPARTMENT:

04-2-18-IX

The following resolution was submitted for approval.

Moved by Council Pro Tem McDonald

Supported by Councilmember Woodard

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF HIGHLAND PARK AND LGC GLOBAL INCORPORATED FOR HYDRANT AND VALVE REPLACEMENT PROGRAM

WHEREAS, the Water Department intends to conduct a hydrant and valve replacement program in two phases, based on the state mandated requirements of the MDEQ Administrative Consent Order

WHEREAS, the Water Department expects the hydrant and valve replacement program will be funded by Federally Distressed Cities, Villages and Townships (FDCVT) Grants funds; and

WHEREAS, on March 19, 2018 the City of Highland Park received proposals for the 2018 & 2019 Hydrant & Valve Replacement Program; and

WHEREAS, the Water Department reviewed the proposals and evaluated full compliance with the Request for Proposal requirements, references, project experience, project requirements, schedule and the ability to provide the requested services for the City of Highland Park; and

WHEREAS, the Water Department determined LGC Global Incorporated, was the most responsive bidder for the 2018 & 2019 Hydrant & Valve Replacement Program; and

BE IT RESOLVED, that the Highland Park City Council APPROVES the execution of the Contract with LGC Global Incorporated, attached to this resolution and will comply with its terms. Yeas (5), Nays (0), Absent (0).

PUBLIC WORKS:

04-2-18-X

The following resolution was submitted for approval.

**RESOLUTION TO AWARD WSP THE PROFESSIONAL SERVICES CONTRACT FOR CONSTRUCTION
ENGINEERING, INSPECTION AND TESTING SERVICES**

Moved by Council Pro Tem McDonald
Supported by Councilmember Marshall

WHEREAS, The City of Highland Park has a Request for Qualifications to select a Professional Consultant to provide construction engineering and inspection services for road and safety projects.

WHEREAS, WSP is the sole bidder of the Department of Public Work's request for qualification to select a professional consultant to provide construction engineering and inspection services for road and safety projects for the City of Highland Park;

WHEREAS, WSP quoted Highland Park an amount of \$80,000 to complete all task required of this project;

NOW HEREBY BE IT RESOLVED THAT FUNDING IS APPROVED IN THE AMOUJNT OF \$80,000 TO AWARD WSP THE PROFESSIONAL SERVICES CONTRACT. Yeas (5), Nays (0), Absent (0).

CITY COUNCIL AFFAIRS:

Moved by Councilmember Lewis
Supported by Council Pro Tem McDonald

That Council hold a Special Workshop Meeting on Friday, April 13, 2018 at 5:30 p.m. to discuss Offer to purchase Ordinance Draft. Yeas (5), Nays (0), Absent (0).

*

Moved by Councilmember Lewis
Supported by Councilmember Woodard

That City Council move funds of \$18,000 from the City Council activities line item to the legal line item in the council budget. Yeas (5), Nays (0), Absent (0).

*

Moved by Councilmember Woodard
Supported by Council Pro-Tem McDonald

**RESOLUTION STATING THAT THE HIGHLAND PARK CIY COUNCIL WILL EXERCISE ITS RIGHTS TO HIRE A
3RD PARTY INDEPENDENT ATTORNEY TO PROVIDE OPINIONS and/or REPRESENTATION FOR LEGAL
MATTERS BASED ON DISPUTED ISSUES**

WHEREAS, The Highland Park City Council shall have and exercise all Municipal powers in the management and control of City Property (clearly stated) outlined under Chapter 6; Section 6-1 and

WHEREAS, The Mayor of the City of Highland Park is required by outlined duties from Chapter 7: Section 7-3, to keep the Council fully advised at all times as to the financial condition and needs of the City; and

WHEREAS, The Mayor of Highland Park is required by outlined duties from Chapter 7: Section 7-3, to keep himself informed and report to Council, either of his own accord or in answer to question put forth by the Council, concerning the work of several administrative officers and departments of the city, to that end, secure from the officers the heads of all administrative departments such information and periodical or special reports as he or the Council may deem necessary; and

WHEREAS, the Highland Park City Council based upon the above Charter Violations, would like to declare the existence of a “bona fide” dispute between the City Council and the Mayor,

NOW THERE IT BE RESOLVED, with the aforementioned in mind, the Highland Park City Council will retain an independent, 3rd Party legal opinion through its municipal powers outlined in Chapter 7: Section 7-5 Letter (c) “In the case of a “bona fide” dispute between City officers as to their official duties or in other special situations, the Council shall employ a special attorney for such purposes as it designates”. This Resolution is not limited to a singular “bona fide” dispute and determines that the Highland Park City Council shall exercise this right under the provisions allowable within the City Charter. Yeas (5), Nays (0), Absent (0).

**Moved by Council Pro Tem McDonald
Supported by Councilmember Woodard**

RESOLUTION TO PROCLAIM APRIL 4, 2018 AS THE 100 YEAR ANNIVERSARY OF THE CITY OF HIGHLAND PARK 1ST CHARTER

WHEREAS, the, citizens of the Incorporated City of Highland Park voted to adopt the first Charter on April 1, 1918; and

WHEREAS, the Charter become effective April 4, 1918; and

WHEREAS, the City if Highland Park will officially celebrate its 100th Anniversary on April 4, 2018; and


THEREFORE BE IT RESOLVE; that on April 4, 2018 be known as the City of Highland Park’s Official Centennial Anniversary and will become the official date of future anniversaries thereafter. Yeas (5), Nays (0), Absent (0).

Moved by Councilmember Lewis
Supported by Councilmember Marshall

To adjourn the meeting at 8:16 p.m.; motion carried. Yeas (5), Nays (0), Absent (0).

CERTIFICATE

I, hereby certify that the attached is a copy of the minutes of a Regular Meeting held on the 2nd^{day} of April 2018. Minutes are available for public inspection at the address designated on the posted public notice.



Brenda J. Green, City Clerk