

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

JULY 16, 2018

Council convened at 7:02 p.m. with Council President Patrick presiding.

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

Absent: (0)

A quorum being present, Council was declared in session.

APPROVAL OF AGENDA

Moved by Councilmember Lewis
Supported by Councilmember Woodard

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

**ORDINANCE FINAL READING
07-16-18 V**

Final read and adoption of an ordinance to amend the Highland Park Fire Prevention Code, Part Sixteen, by adding section 1630 to adopt policies and procedures for the ignition, discharge, and use of consumer fireworks.

Moved by Councilmember Lewis
Supported by Councilmember Marshall

Whereas, the City of Highland Park desires to amend a local ordinance by adopting policies and procedures for the ignition, discharge, and use of consumer fireworks and

Whereas, the Charter for the City of Highland Park provides that Council has the authority to enact all ordinances they deem necessary for the safety, order, and good government of the City and the general welfare of its inhabitants.

NOW, THEREFORE, THE CITY OF HIGHLAND PARK ORDAINS:

1630.01 - Short title.

This chapter shall be known and may be cited as the "The Fireworks Ordinance."

1630.02 - Statement of purpose.

The ordinance codified in this chapter adopts a new chapter to provide for the regulation of the ignition, discharge and use of consumer fireworks, as allowed under the Michigan Fireworks Safety Act, MCL 28.451 et seq., as amended.

1630.03 - Definitions.

As used in this chapter, the following terms shall be defined as follows:

"APA standard 87-1" means the standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American Pyrotechnics Association of Bethesda, Maryland.

"Consumer fireworks" means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2.3.2.3, or 3.5. Consumer fireworks do not include low-impact fireworks.

"Fireworks" means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration or detonation.

"Low-impact fireworks" means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1. 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

"Minor" means an individual who is less than eighteen (18) years of age.

"National holiday" means the following legal public holidays:

- A. New Year's Day, January 1.
- B. Birthday of Martin Luther King, Jr., the third Monday in January.
- C. Washington's Birthday, the third Monday in February.
- D. Memorial Day, the last Monday in May.
- E. Independence Day, July 4.
- F. Labor Day, the first Monday in September.
- G. Columbus Day, the second Monday in October.
- H. Veteran's Day, November 11.
- I. Thanksgiving Day, the fourth Thursday in November.
- J. Christmas Day, December 25.

1630.04 - Ignition, discharge and use of consumer fireworks.

A person shall not ignite, discharge, or use any consumer fireworks, except on the day preceding, the day of, or the day after a national holiday, and not between the hours of twelve midnight and eight a.m.

1630.05 - Possession of consumer fireworks by minor.

A minor shall not possess consumer fireworks.

1630.06 - Determination of violation—Seizure.

If a police officer determines that a violation of this chapter has occurred, the officer may seize the consumer fireworks as evidence of the violation.

1630.07 - Penalty.

- A. A violation of this chapter is a civil infraction, punishable by a fine of up to five hundred dollars (\$500.00) plus the cost of prosecution.
- B. Following final disposition of a finding of responsibility for violating this chapter, the city may dispose of or destroy any consumer fireworks retained as evidence in that prosecution.
- C. In addition to any other penalty, a person that is found responsible for a violation of this chapter shall be required to reimburse the city for the costs of storing, disposing of, or destroying consumer fireworks that were confiscated for a violation of this chapter.

1630.08 - Disturbing the peace.

This chapter shall not supersede the provisions of Chapter 666.05 of the Highland Park Municipal Code.

1630.09 - Fire Code.

This chapter shall not supersede any provision of the Highland Park Fire Prevention Code.

Yeas (5), Nays (0), Absent (0).

**TABLED ITEM
07-16-18 VIa**

The following item was tabled from the July 2, 2018 meeting.

Request of additional space for court clerk area.

Moved by Councilmember Lewis
Supported by Council Pro Tem McDonald

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

Moved by Councilmember Lewis
Supported by Councilmember Woodard

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

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07-17-18 VIb

The following item was tabled from the July 2, 2018 meeting.

Request approval of business license application for V-Live located at 16549 Woodward.

Moved by Councilmember Lewis
Supported by Councilmember Woodard

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

Moved by Councilmember Lewis
Supported by Councilmember Woodard

To deny the business application for V-Live located at 16549 Woodward. Yeas (5), Nays (0), Absent (0).

FINANCE

07-16-18 VII

Moved by Council Pro Tem McDonald
Supported by Councilmember Marshall

To receive and file the Monthly Financial Statement for June 30, 2018. Yeas (5), Nays (0), Absent (0).

PUBLIC WORKS

07-16-18 VIII

The following resolution was submitted for approval.

**HIGHLAND PARK BUILDING AUTHORITY LEASE REVENUE AND REVENUE
REFUNDING BONDS, SERIES 2015 BUILDING HOUSING DHHS AT
13233 HAMILTON AVENUE, HIGHLAND PARK, MICHIGAN**

Moved by Councilmember Lewis
Supported by Councilmember Woodard

WHEREAS, the Sublease and Addendum #1 to the Sublease between the City of Highland Park ("Lessor") and the Department of Technology, Management & Budget ("Lessee") for 13233 Hamilton Avenue, Highland Park, Michigan being used by the Department of Health and Human Services ("DHHS"), provides the following on Notification and Lessor Obligations; and

WHEREAS, the City of Highland Park is responsible for the maintenance and servicing of the building, including: HVAC, electrical, all plumbing, building repairs and maintenance, sidewalk and parking lot maintenance, janitorial services, insurance, and hazardous material remediation; and

WHEREAS, the Trust Indenture dated September 30, 2015 summarizes the establishment and use of the Maintenance and Repair Fund held at U.S. Bank to reimburse Highland Park for any and all expenses incurred for the maintenance and servicing of the building; and

WHEREAS, the Lessor Obligations specifies that the City provide, "A listing of all important services or repair contractors for emergency service or maintenance"; and

BE IT RESOLVED by The City Council of the City of Highland Park: that DPW be allowed to solicit Requests for Quotes (RFQs) for maintenance and service providers to fulfill this obligation. Yeas (5), Nays (0), Absent (0).

COUNCIL AFFAIRS

The following item was offered for approval.

Resolution mandating 60 Day Moratorium on Special-Event Vending Fees.

Council Pro Tem McDonald asked to be recused.

Moved by Councilmember Woodard
Supported by Councilmember Marshall

That Council Pro Tem McDonald be recused from voting on the above moratorium item. Yeas (4), Nays (0), Absent (0).

**** Item died for lack of motion. ****

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Moved by Councilmember Woodard
Supported by Councilmember Lewis

To bring back the item regarding Special-Event Vending Fees. Yeas (5), Nays (0), Absent (0).

Moved by Councilmember Woodward
Supported by Councilmember Lewis

To approve a resolution mandating a moratorium on Special-Event Vending Fees until the end of the year. Yeas (4), Nays (0), Absent (0).


ADJOURNMENT

Moved by Council Pro Tem McDonald
Supported by Councilmember Lewis

To adjourn the meeting, motion carried, meeting adjourned at 7:52 p.m.

CERTIFICATE

I, hereby certify that the attached is a copy of the proposed minutes of the Regular Meeting held the 21st of May, 2018 and that said minutes are available for public inspection at the address designated on the posted public notice.



Cidia Wicker-Brown, Deputy City Clerk