

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

**May 1, 2014**

**Council convened at 5:35 p.m. with Council President Christopher Woodard presiding.**

**Present: Council Pro Tem Lewis, Councilmember Patrick, Councilmember McClary and Council President Woodard. (4)**

**Absent: Councilmember Moore (1) (excused).**

**A quorum being present, Council was declared in session.**

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**The Clerk read the following notice.**

**I, Christopher Woodard Council President, do hereby call a Special Council Meeting and a Closed Session of the Highland Park City Council pursuant to Section 5-3 (b) of the Highland Park City Charter on Thursday, May 1, 2014 at 5:30 p.m.**

**The purpose of the meeting:**

- 1. Resolution approving a closed session to discuss the matter of the City of Highland Park v. Fifth Third Bank.**
- 2. Closed Session to discuss City of Highland Park v. Fifth Third Bank.**
- 3. Resolution approving an amendment to the Agreement between the City of Highland Park and the Jaffe Law Firm.**
- 4. Resolution approving an amendment to the Agreement between the City of Highland Park and Calvin Grigsby.**
- 5. Resolution selecting one of the four (4) options listed under Act 436 pursuant to the letter issued by Governor Snyder on April 28, 2014.**

**The following resolution was submitted for approval.**

**BE IT RESOLVED, that the Highland Park City Council shall hold a closed session, pursuant to the Michigan Open Meetings Act, MCL 15.268 (8)(e), to discuss the lawsuit captioned City of Highland Park v. Fifth Third Bank, Case No. 14-cv-10173 United States Federal Court-Eastern District of Michigan.**

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

**To recess the Special Meeting and meet in a closed session regarding City of Highland Park v. Fifth Third Bank. Yeas (4), Nays (0), Absent (1).**

**Meeting was recessed at 5:42 p.m.**

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

**To reconvene the Special Meeting. Yeas (4), Nays (0), Absent (1) meeting reconvened at 6:48 p.m.**

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

**To remove the resolution approving an amendment to the Agreement between the City of Highland Park and Calvin Grigsby from the agenda. Yeas (4), Nays (0), Absent (1).**

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**The following resolution was submitted for approval.**

**RESOLUTION AMENDING THE AGREEMENT BETWEEN JAFFE RAIT  
HEUER & WEISS, PC AND THE CITY OF HIGHLAND PARK FOR LEGAL  
SERVICES IN THE MATTER OF CITY OF HIGHLAND PARK v. FIFTH  
THIRD BANK**

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

**WHEREAS, The City of Highland Park has previously entered into an Agreement with Jaffe Raitt Heuer & Weiss, PC to provide legal services to the City of Highland Park in the matter of City of Highland Park v. Fifth Third Bank for an amount not to exceed seventy-five thousand dollars (\$75,000.00); and**

**WHEREAS, the services provided by Jaffe Raitt Heuer & Weiss PC are continuing and ongoing as the matter of the City of Highland Park v. Fifth Third Bank remains in a state of litigation; and**

**WHEREAS, Jaffe Raitt Heuer & Weiss PC has estimated that an additional ten thousand (\$10,000.00) in legal fees may be needed in order to bring the instant litigation to resolution; and now therefore**

**BE IT RESOLVED, that the City Council of the City of Highland Park hereby authorizes an amendment to the above referenced Agreement between the City of Highland Park and Jaffe Ratite Hewer & Weiss PC to reflect an increase in the contract amount from \$75,000.00 to \$85,000.00. Yeas (3), Nays (1) Councilmember McClary, Absent (1).**

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**The following resolution was submitted for approval.**

**RESOLUTION OF THE CITY OF HIGHLAND PARK SELECTING ONE OF  
THE FOUR OPTIONS LISTED UNDER PUBLIC ACT 436**

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

**WHEREAS, the City of Highland Park has been cited as having probable financial stress by the Local Emergency Financial Assistance Loan Board on October 21, 2013; and**

**WHEREAS, the findings of that board have been reported to the Governor of the State of Michigan, who pursuant to Public Act 436, appointed a review team to determine the accuracy of the initial study; and**

**WHEREAS, the review team conducted an investigation and determined that a financial emergency existed in the City of Highland Park; and**

**WHEREAS, on February 12, 2014 a hearing was held wherein the City of Highland Park presented its case directly to the Treasurer; and**

**WHEREAS, the information presented by the City of Highland Park during said hearing was both compelling and controversial; and**

**WHEREAS, despite receiving this information, the State Treasurer still saw fit to recommend to the Governor that he confirm a state of financial emergency in the City of Highland Park; and**

**WHEREAS, the Governor decided to adopt the State Treasurer's recommendation and on April 28, 2014, he confirmed his initial determination that the City of Highland Park is in a state of financial emergency; and**

**WHEREAS, upon the declaration by the Governor, pursuant to Public Act 436, the City must select one of the four (4) options provided under the Act, to wit: Emergency Manager, Bankruptcy, Neutral Evaluation or Consent Agreement; and now**

**BE IT RESOLVED, that the Highland Park City Council hereby elects the NEUTRAL EVALUATION option and authorizes the Mayor or his designee to submit a letter to the Governor of the State of Michigan, Rick Snyder, informing him of the same and attaching a copy of this resolution. Yeas (3) Nays (1) Councilmember McClary, Absent (1)**

**\* Councilmember McClary excused himself from the meeting at 7:45 p.m.**

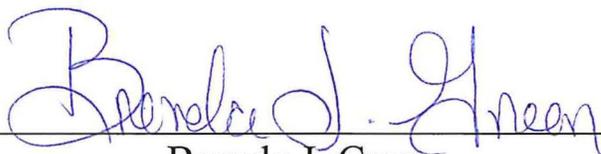
**ADJOURNMENT:**

**Moved by Council Pro Tem Lewis  
Supported by Councilmember Patrick.**

**To adjourn the meeting motion carried; meeting adjourned at 7:55 p.m.**

CERTIFICATE

I, hereby certify that the attached is a true copy of the proposed minutes of the Special Meeting held on the 1<sup>st</sup> day of May 2014 and that said proposed minutes are available for public inspections at the address designated on the posted public notice.

  
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Brenda J. Green  
City Clerk