

MINUTES OF THE REGULAR MEETING OF THE HIGHLAND PARK CITY COUNCIL

February 5, 2018

Council convened at 7:06 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 Council Pro Tem McDonald
Supported by Councilmember Lewis**

To approve the agenda with the addition of a resolution calling for a Special Election on August 7, 2018 to fill a vacant council seat. Yeas (5), Nays (0), Absent (0).

APPROVAL OF MINUTES

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

To approve the minutes from the Workshop Meeting held January 16, 2018. Yeas (5), Nays (0), Absent (0).

**Moved by Councilmember Lewis
Supported by Councilmember Woodard**

To approve the minutes from the Regular Meeting held January 16, 2018. Yeas (5), Nays (0), Absent (0).

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

To approve the minutes from the Special Meeting/Closed Session January 25, 2018. Yeas (5), Nays (0), Absent (0).

BID OPENING:

2-5-1 The Clerk stated this was the time and place to open Request for Qualification for a Construction Management Contractor to manage the paving and construction of the Davison Service Drive.

One (1) RFQ was received.

WSP USA/WSP Michigan, Inc.
500 Griswold Street
Guardian Building, Suite 2600
Detroit, MI 48226

Moved by Councilmember Lewis
Supported by Councilmember Marshall

To refer RFQ to the DPW Director, Willie Faison. Yeas (5), Nays (0), Absent (0).

CITY COUNCIL:

2-5-2-a

The following resolution was submitted for approval.

RESOLUTION REGARDING OFFICIAL NOTICE OF GREAT LAKES WATER AUTHORITY OF REQUEST FOR MEETING UNDER SECTION 1.E OF SEWER SERVICES AGREEMENT

Moved by Councilmember Woodard
Supported by Councilmember Lewis

WHEREAS, on May 12, 2016, the City Administrator sent to Jonathan Wheatley and Sue McCormick a request for a meeting, pursuant to § 1.E. of Sewage Service Contract duly approved by the City of Highland Park and the City of Detroit on June 8, 1983 ("Contract").

WHEREAS, the meeting was requested to have GLWA explain its implausible sewage billings and sewer rate increases.

WHEREAS, GLWA has not responded to the meeting request.

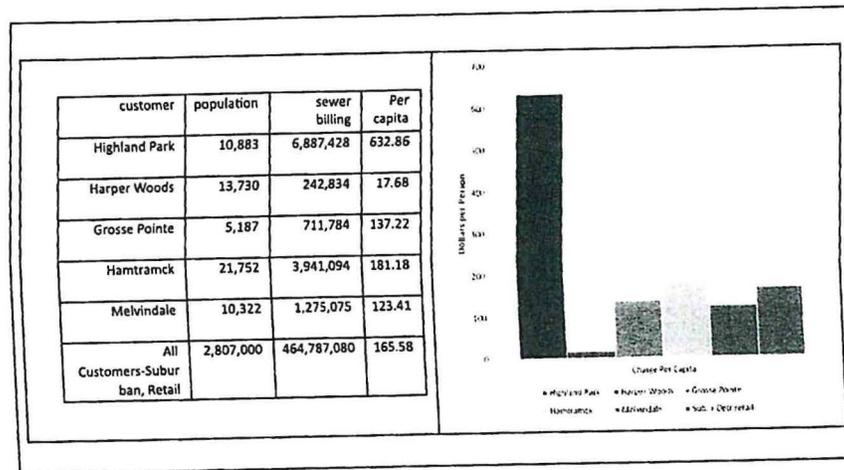
WHEREAS, the Contract provides "the City of Detroit and its consultants at the request of the contracting parties will have a conference with the contracting parties and its representatives in order to explain and discuss the reports [of sewer rates] being provided."

WHEREAS, the Contract also provides that "the rate [billed] shall conform to section 204(b) (l) (A) of Public Law 92-500, as amended and regulations of the U.S. EPA, being 40 CFR, 35.929 through 35.929-3" which require rates proportionate to use of GLWA's sewer system and regulates DWII and wet weather charges (Contract §A (l) (b), p. 5).

WHEREAS, the Contract also provides rates charged Highland Park may not include debt financing for non-capital payments of swap breakage fees which may not be included in sewer rates (Contract §A (2)).

WHEREAS, Highland Park's charges are plainly out of proportion to other GLWA customers and GLWA management has adopted a "cone of silence" on any public discussion of HP overcharges but freely discusses the non-payment of these overcharges in public meetings, and through dissemination of slanderous comments to the media and other wholesale customers.

WHEREAS, The Chart below derived from GLWA June 2014 SEC required disclosures on DAC Bond demonstrates the serious discrepancy in HP billings:



NOW, THEREFORE, BE IT RESOLVED THAT:

1. Highland Park hereby again requests a meeting as contemplated by the Contract to discuss these disproportionate overcharges for sewer services.
2. Highland Park requests that GLWA cease and desist continuing public claims of failure to pay sewer bills by Highland Park where the amounts billed are clearly erroneous and in violation of proportionate share Contract prov1s10ns.
3. The Contract as modified by the 1996 Federal Court Consent Judgment/Settlement Agreement ("Federal Court Settlement Agreement") requires the deposit of all sewer and water fees collected by Highland Park in a pledged escrow account which is audited by GLWA.
 - a. From October 2004 through October 2016 the amount due for sewer services under the Federal Court Settlement Agreement is \$26,967,469 and as of October 20, 2016, GLWA has received checks from the escrow of \$29,814,298, \$2,846,829 more than the amount due.

b. Although GLWA takes monthly payments from the court ordered escrow, it has disregarded all other provisions of the Contract and the Federal Court Settlement Agreement and states in its DAC Bond continuing disclosures that the Contract is "Not Applicable."

4. Accordingly, Highland Park also requests that the meeting include negotiation of a revised agreement, to replace the Contract and Federal Consent Order, to include the following general sections:

Section I- Wastewater Disposal Contract between Great Lakes Water Authority (GLWA) and the City of Highland Park

Section II - Map of the city boundaries, city sewer, service area and connections to the GLWA system

Section III - Meter Installation & Monitoring Section IV - Large Industrial / Commercial Users

Section V - MDOT

Section VI - Wayne County

Section VII- Other Government Users

Section VIII -GLWA Template Boiler Plate Information (Rates etc....)

Section IX - Judge Feikens Era 83 Contract /96 Consent Judgment Information

Section X - Storm Water Mitigation

Section XI - Infrastructure Solution to Wet Weather Discharge

5. Until any new contract is negotiated, and meters are installed so that we have objective measurement of volume of discharges by Highland Park into the GLWA sewer system, Highland Park requests that GLWA acknowledge publicly that its disproportionate billings are in violation of the existing Agreements.
6. The requested meeting, which is an obligatory GLWA Contract requirement, is the first step in resolving the Highland Park Overcharges and should be held as soon as possible.
7. Per the Contract, Highland Park will pay all reasonable costs associated with the meeting.
8. The officers, administrators, agents and attorneys of the City are authorized and directed to take all other actions necessary and convenient to facilitate the aforesaid meeting.

BE IT FINALLY RESOLVED that a copy of this resolution becomes a part of the official records of the City of Highland Park. A copy shall be delivered by the Clerk certified mail to all members of the GLWA Board, Governor Rick Snyder, the Attorney General and GLWA's other wholesale customers.

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the City Council of the City of Highland Park, County of Wayne, State of Michigan, at a meeting held on Monday, February 5, 2018, at 7:00 o'clock p.m., prevailing Eastern Time, and that said meeting was conducted in full

compliance with the Open Meetings Act, being Act 267, Public Acts, of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act 267. I further certify that notice of said meeting was given to each member of the Council in accordance with the rules of procedure of the Council.

I further certify that the following Members were present at said meeting:
Council President Patrick, Pro-Tern McDonald, Councilmembers Woodard, Lewis and Marshall. Yeas (5), Nays (0), Absent (0)

I further certify that Councilmember Woodard moved for adoption of said resolution and that Councilmember Lewis supported said motion.

City Clerk, Brenda Green, CMC

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2-5-2-b

The following resolution was submitted for approval.

**Moved by Councilmember Lewis
Supported by Councilmember Woodard**

WHEREAS, a vacancy has been created due to the passing of Councilmember Titus McClary on May 6, 2017; and

WHEREAS, per the City Charter Section 4-13 Filling vacancies said office shall be declared to be vacant at the date of the next City, County, State or National election; and

WHEREAS, August 7, 2018 is the date for an State Primary election;

NOW THEREFORE BE IT RESOLVED, that City Council call for a Special Election to be held in conjunction with the State Primary on Tuesday, August 7, 2018 to nominate candidates for the unexpired vacant City Council seat term ending December 31, 2019. Yeas (5), Nays (0), Absent (0).

ADMINISTRATION:

2-5-3

RESOLUTION APPROVING HIRING OF A PURCHASE AGENT FOR THE CITY OF HIGHLAND PARK

**Moved by Woodard
Supported by Lewis**

WHEREAS, the City of Highland Park spends millions of dollars annually on the procurement of goods and services; and

WHEREAS, the wide array of goods and service purchased and contracted for require best practices in purchasing be followed to efficiently and more effectively utilize the city's purchasing and;

WHEREAS, a trained and experienced purchasing agent greatly improves the city's intelligent purchasing expenditures; and

WHEREAS, Robert Burgess is a highly trained and experienced purchasing agent and is in acceptable candidate to act as a City of Highland Park Purchasing Agent;

NOW THEREFORE BE IT RESOLVED that the City Council approves Robert Burgess to be hired as Purchasing Agent bases upon the term set forth in the contract of employment previously approved. Yeas (5), Nays (0), Absent (0).

WATER DEPARTMENT:

2-5-4-a

RESOLUTION FOR APPOINTMENT OF THE CITY OF HIGHLAND PARK FINANCE DIRECTOR, CURRENTLY HELD BY ELEANOR WILLIAMSON, AS DESIGNEE FOR THE HANDLING OF THE DWRF LOAN FOR THE CITY OF HIGHLAND PARK

Moved by Councilmember Lewis

Supported by Councilmember Woodard

WHEREAS, it is necessary for the City of Highland Park Water Department to address water main improvements identified in the 2016 Michigan Department of Environmental Quality (MDEQ) Violations Notice and the MDEQ Administration Consent Order; and

WHEREAS, the City Council has approved the DWRF Project Plan Application submitted to the MDEQ; and

WHEREAS, Damon L. Garrett of Metro Consulting Associates has been operating in the official capacity of Water Director for the City of Highland Park since April of 2016; and

WHEREAS, the MDEQ has determined the proposed City of Highland Park Water Main Replacement project is DWRF loan fundable; and

WHEREAS, the Water Director and Water Department will assist the Finance Director with completing documentation required for reimbursement to the State of Michigan for all DWRF loan related activity; and

RESOLVED FURTHER, that the Finance Director, currently held by Eleanor Williamson, is authorized to take all necessary actions to give this resolution effect. Yeas (5), Nays (0), Absent (0).

2-5-4-b

RESOLUTION FOR APPOINTMENT OF THE CITY OF HIGHLAND PARK FINANCE DIRECTOR, CURRENTLY HELD BY ELEANOR WILLIAMSON, AS DESIGNEE FOR THE HANDLING OF THE SAW GRANT FOR THE CITY OF HIGHLAND PARK

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

WHEREAS, City Council has previously passed a resolution on September 18, 2017, for the authorization of the Storm water, Asset Management, and Wastewater (SAW) Grant Agreement, and

WHEREAS, the City of Highland Park requires a new designee for the SAW grant; and

WHEREAS, Metro Consulting Associates was hired as storm water consultants in September of 2015; and

WHEREAS, Damon L. Garrett of Metro Consulting Associates has been operating in the official capacity of Water Director for the City of Highland Park since April of 2016; and

WHEREAS, the Water Director and Water Department will assist the Finance Director, currently held by Eleanor Williamson, with completing documentation required for reimbursement to the State of Michigan for all SAW grant related activity; and

WHEREAS, City Council is presented with a new resolution from the Michigan Department of Environmental Quality to confirm authorization of the SAW Grant Agreement; and

BE IT RESOLVED, that the Finance Director, currently held by Eleanor Williamson, is authorized to take all necessary actions to give this resolution effect. Yeas (5), Nays (0). Absent (0).

2-5-4-c

RESOLUTION AUTHORIZING the SAW Grant Agreement

**Moved by Councilmember Woodard
Supported by Councilmember Lewis**

**State of Michigan
County of Wayne**

Resolution Authorizing the SAW Grant Agreement

Minutes of the regular meeting of the Council of the City of Highland Park, County of Wayne, State of Michigan, and (the Municipality") held on February 5, 2018.

PRESENT: Council President Rodney Patrick, Council President Pro Tem Glenda McDonald, Council Member Christopher Woodard, Council Member Norma Lewis, Council Member Karla Marshall

ABSENT: 0

**Member Woodard offered and moved the adoption of the following resolution,
Seconded by Member Lewis.**

WHEREAS, Part 52 (strategic water quality initiatives) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("Part52"), provides at MCL 324.5204e that the Michigan Finance Authority (the "MFA") in consultation with the Michigan Department of Environmental Quality (the "DEQ") shall establish a strategic water quality initiatives grant program; and

WHEREAS, in accordance with the provisions of 2012 PA 511, which provides grants to municipalities for sewage collection and treatment systems or storm water or nonpoint source pollution control; and

WHEREAS, in accordance with the provisions of 1985 PA 227, as amended, Part 52, and other applicable provisions of law, the MFA, the DEQ, and the Municipality that is a grant recipient shall enter into a grant agreement (the "SAW Grant Agreement") that requires the Municipality to repay the grant under certain conditions as set forth in MCL 324.5204e, as amended; and

WHEREAS, the Municipality does hereby determine it necessary to (select one or more) establish an asset management plan, establish a storm water management plan, establish a plan for wastewater/ storm water, establish a design of wastewater/ storm water, pursue innovative technology, or initiate construction activities (up to \$500,000 for disadvantaged community).

WHEREAS, it is the determination of the Municipality that at this time, a grant in the aggregate principal amount not to exceed \$2,000,000.00 ("Grant") be requested from the MFA and the DEQ to pay for the above-mentioned undertaking(s); and

WHEREAS, the Municipality shall obtain this Grant by entering into the SAW Grant Agreement with the MFA and the DEQ.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Finance Director (*title of the designee's position*), a position currently held by Eleanor Williamson (*name of the designee*), is designated as the Authorized Representative for purposes of the SAW Grant Agreement.
2. The proposed form of the SAW Grant Agreement between the Municipality, the MFA and DEQ (attached Sample Grant Agreement) is hereby approved and the Authorized Representative is authorized and directed to execute the SAW Grant Agreement with such revisions as are permitted by law and agreed to by the Authorized Representative.
3. The Municipality shall repay the Grant, within 90 days of being informed to do so, with interest at a rate not to exceed 8 percent per year, to the Authority if the Municipality is unable to, or decides not to, proceed with constructing the project or implementing the asset management program for which the funding is provided within 3 years of the Grant award.
4. The Grant, if repayable, shall be a first budget obligation of the Municipality, and the Municipality is required, if necessary, to levy ad valorem taxes on all taxable property in the

Municipality for the payment thereof, subject to applicable constitutional, statutory and Municipality tax rate limitations.

5. The Municipality shall not invest, reinvest or accumulate any moneys deemed to be Grant funds, nor shall it use Grant funds for the general local government administration activities or activities performed by municipal employees that are unrelated to the project.

6. The Authorized Representative is hereby jointly or severally authorized to take any actions necessary to comply with the requirements of the MFA and the DEQ in connection with the issuance of the Grant. The Authorized Representative is hereby jointly or severally authorized to execute and deliver such other contracts, certificates, documents, instruments, applications and other papers as may be required by the MFA or the DEQ or as may be otherwise necessary to effect the approval and delivery of the Grant.

7. The Municipality acknowledges that the SAW Grant Agreement is a contract between the Municipality, the MFA and the DEQ.

8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

YEAS: Council President Patrick, Council Pro Tem McDonald, Council members Woodard, Lewis and Marshall (5)

NAYS: (0)

RESOLUTION DECLARED ADOPTED

OUTSIDE COMMUNICATIONS:

The following communication was received from Mr. Sydney A. Spight and Ms. Janet K. White. I would like the following requests to be added to the agenda for the upcoming city council meeting.

1. Parker Pride would like permission to have a parade May 19, 2018 during the month of Michigan Week.

2. Parker Pride would like permission to have a 100-year celebration July 21, 2018 on the grounds of the old Highland Park High School, if rain July 28, 2018.

Moved by Councilmember Lewis

Supported by Councilmember Woodard

To refer this request to the legal department. Yeas (5), Nays (0), Absent (0).

ADJOURNMENT:

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

To adjourn this meeting; motion carried meeting adjourned at 8:35 p.m.

CERTIFICATE

I, hereby certify that the attached is a true copy of the proposed minutes of a Regular Meeting held on the 5th day of February, 2018 and that said proposed minutes are available for public inspection at the address designated on the posted public notice.

A handwritten signature in cursive script, reading "Brenda J. Green", written over a horizontal line.

Brenda J. Green, City Clerk