

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

Monday March 18, 2024

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).

Absent: None

A quorum being present, Council was declared in session.

APPROVAL OF AGENDA

Moved by Councilman Ash Shafii

Supported by Council President Thomas

To approve the agenda with amendments. Add the Resolution to approve Settlement agreement, Water and Sewage services agreement, Trust agreement and Lockbox agreement and to move the Resolution to appoint a candidate to fill Treasurer vacancy from Council Affairs to City Council. Yeas (5), Nays (0) Absent (0).

APPROVAL OF MINUTES

Moved by Councilwoman Manica

Supported by Council President Thomas

To approve the minutes from the In-Person and Virtual Workshop meeting held March 4, 2024. Yeas (5), Nays (0), Absent (0).

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Moved by Councilwoman Manica

Supported by Council President Thomas

To approve the minutes from the In-Person and Virtual Regular Meeting held March 4, 2024. Yeas (5), Nays (0), Absent (0).

Moved by Councilwoman Manica
Supported by Council President Thomas

To approve the minutes from the In-Person and Virtual Special Meeting held March 11, 2024.
Yeas (5), Nays (0), Absent (0).

CITY ADMINISTRATOR:
03-18-24 – V

The following resolution was submitted for approval.

**RESOLUTION TO APPROVE SETTLEMENT AGREEMENT; WATER AND SEWAGE SERVICES AGREEMENTS;
TRUST AGREEMENT; AND LOCKBOX AGREEMENT**

Moved by Councilman Ash Shafii
Supported by Council Pro Tem Robinson

WHEREAS, the City has been engaged in long-term litigation (the "Litigation") with the Great Lakes Water Authority ("GLWA") related to the provision of wholesale water supply and sewage disposal services by GLWA to the City and the related payment for such services; and

WHEREAS, the City has been represented by Grigsby & Associates, Inc. Danville, CA, and Morganroth & Morganroth, PLLC, Birmingham, MI (together, "Litigation Counsel") during the course of the Litigation; and

WHEREAS, the State of Michigan (the "State") has been assisting the City and GLWA to resolve the Litigation in the best interests of each of the parties; and

WHEREAS, the City and GLWA have resolved the Litigation pursuant to the terms of that certain Settlement Agreement and Mutual Release (including all exhibits and attachments thereto, the "Settlement Agreement"), being entered into by and between the City, GLWA, and the State; and

WHEREAS, the terms of the Settlement require the City to provide for the intercept and distribution by a trustee pursuant to a trust agreement (including all exhibits and attachments thereto, the "Trust Agreement" and together with the Settlement Agreement, the "A Settlement Documents"), of the revenues ("System Revenues") derived from services provided by the City's water supply and sewage disposal system (the "System"); and

WHEREAS, this City Council previously approved the Settlement Agreement, subject to the redrafting of the Trust Agreement; and

WHEREAS, since the previous Council approval, the Trust Agreement has since been redrafted and is in form and substance compliant with the City Charter and State and Federal law; and

WHEREAS, certain limited provisions of the Settlement Agreement have been slightly modified to reflect changes arising from the new Trust Agreement, including to the Water Supply services Agreement and Wastewater Disposal Services Agreements (together, the “Water and Sewage Services Agreements”) included as exhibits to the Settlement Agreement; and

WHEREAS, included in the package with this resolution are redline copies reflecting the changes made to the Settlement Agreement and the Water and Sewage Services Agreement; and

WHEREAS, the City previously entered into Administrative Consent Order #ACO-399-06-2017, dated July 28, 2017 (the ‘ACO”) which required the City to make certain modifications to its waterworks system, which improvements were necessary in order for the City to meet its obligations under the relevant federal and state law; and

WHEREAS, the ACO needs to be updated in order to reflect the terms of the settlement, and the City and the Department of Environment, Great Lakes, and Energy have negotiated a new Administrative Compliance Agreement (the ACA”) to replace the ACO; and

WHEREAS, the parties enter into the Settlement Agreement in good faith and to fully and finally compromise and settle all claims or potential claims which they may have against one another arising from the Litigation, whether or not specifically raised through the Litigation; and

WHEREAS, Litigation Counsel each approve the terms of the Settlement Documents and recommend that the City Council approve the Settlement Documents and authorize and direct the Mayor, the City Clerk, the City Treasurer, or any person acting in the role of an interim or deputy City Treasurer (the “Treasurer’) and any other officers, employee, attorneys, and agents to execute such Settlement Documents.

NOW THEREFORE BE IT RESOLVED THAT,

1. Approval of Settlement Agreement. The City Council hereby ratifies and confirms its approval of the Settlement Agreement as presented herein, including all exhibits and attachments thereto, all as attached hereto as Exhibit A, and hereby authorizes and directs the Mayor and the City Clerk to execute such documents.

2. Approval of Water Supply Services Agreement. The City Council hereby ratifies and confirms its approval of the Water Supply Services Agreement as presented herein, attached as Exhibit D to the Settlement Agreement, and hereby authorizes and directs the Mayor and the City Clerk to execute such documents.

3. Approval of Wastewater Services Agreement. The City Council hereby ratifies and confirms its approval of the Wastewater Services Agreement as presented herein, attached as Exhibit D to the Settlement Agreement, and hereby authorizes and directs the Mayor and the City Clerk to execute such documents.

4. Approval of Administrative Compliance Agreement. The City Council hereby ratifies and confirms its approval of the Administrative Compliance Agreement as presented herein, attached as

Exhibit B to the Settlement Agreement, and hereby authorizes and directs the Mayor and the City Clerk to execute such document.

5. Approval of the Trust Agreement. The City Council hereby approves the Trust Agreement, attached as Exhibit E to the Settlement Agreement, including all exhibits and attachments thereto (including, without limitation, the Deposit Control Agreement), and hereby authorizes and directs the Mayor, the City Clerk, and the Treasurer to execute such documents, with such additional changes as may be (a) required by either U.S. Bank Trust Company, National Association, as trustee under the Trust Agreement, or Comerica Bank as depository for the Receiving Fund (as defined in the Thrust Agreement) and (b) approved the Litigation Counsel.

6. Approval of Lockbox Agreement. The City Council hereby approves the Lockbox Agreement with Comerica to provide for the restriction on withdrawals from the Receiving Fund, attached hereto as Exhibit B, and hereby authorizes and directs the Mayor, City Clerk, and/or Treasurer to execute such document with such additional changes as may be (a) required by either U.S. Bank Trust Company, National Association, as trustee under the Trust Agreement, or Comerica Bank, as depository for the Receiving Fund (as defined in the Trust Agreement) and (b) approved by Litigation Counsel.

7. Rescission. All resolutions and parts of resolution in so far as they conflict with the provisions of this Resolution be and the same hereby are rescinded.

8. Immediate Effect.
Yeas (5), Nays (0), Absent (0).

CITY COUNCIL:

03-18-24 – VI-a

RESOLUTION TO APPROVE PRIMARY AND SPECIAL ELECTION TO REPLACE THE HIGHLAND PARK CITY TREASURER AS REQUIRED BY THE CITY CHARTER

Moved by Councilman Ash Shafii
Supported by Council Pro Tem Robinson

WHEREAS The matter of Robert Davis v Janice Taylor Bibbs, et. Al., Wayne County Circuit Court Case No 23-008745W vacated the office of the Highland Park city Treasurer on February 1, 2024; and

WHEREAS, Section 4-4, Terms of Office, of the Highland Park City Charter requires the City Council to approve a Primary and Special Election if an office is vacated; and

WHEREAS, the Highland Park City Council is lawfully bound to uphold the Highland Park City Charter,

NOW, THEREFORE, BE IT RESOLVED, THAT the Highland Park City Council approves a Primary to be held on August 6, 2024, and a Special Election to be held on November 5, 2024 for the sole purpose of electing a Treasurer for the vacated office of City Treasurer for the remainder of the current term. Yeas (5), Nays (0), Absent (0).

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03-18-24 -VI-b

RESOLUTION TO APPOINT CITY TREASURER AND APPROVE BOND

Moved by Councilman Ash Shafii

Supported by Council Pro Tem Robinson

WHEREAS, the Office of City Treasurer was vacated by Court Order of the Honorable Charles Hegarty of the Wayne County Circuit Court on February 1, 2024; and

WHEREAS, the vacancy was effective twenty-one (21) days after entry of the Order; and

WHEREAS, as of February 22, 2024, the Treasurer's Office was officially vacant; and

WHEREAS, pursuant to Section 4-13 of the City Charter, City Council has the power and duty to fill the vacancy of any elective office within thirty (30) days after said vacancy is declared or determined; and

WHEREAS, there was no candidate who received the next highest number of votes to install in this position; and

WHEREAS, interviews for the position of City Treasurer were held on March 11, 2024; and

WHEREAS, City Council received resumes from two (2) eligible applicants, but one person appeared for the interview; and

WHEREAS, Section 4-13 of the City Charter authorizes and directs City Council to appoint a qualified individual to serve as City Treasurer; and

WHEREAS, Section 4-3 establishes eligibility for the appointed office, and the individual so appointed has met these qualifications; and

WHEREAS, pursuant to Section 4-8 of the City Charter, City Council may require any officer to give a bond to be approved by the City Attorney, in such sum as the Council determines; and

WHEREAS, the bond shall be condition upon the faithful and proper performance of the duties of the Office of Treasure; and

WHEREAS the duties of the Treasurer are identified and outlined in Section 7-7 of the City Charter; and

WHEREAS, the bond shall be set at \$2,000,000 and.

WHEREAS, Lisa Stolarski shall be appointed Treasurer of the City of Highland Park until a Special Election can be conducted; and

WHEREAS, said appointment of Lisa Stolarski is conditioned upon passing a background check and being bonded by the City of Highland Park and the County of Wayne.

NOW THEREFORE BE IT RESOLVED THAT, the Highland Park City Council approves the Appointment of Lisa Stolarski as City Treasurer until a Special Election is held as set forth in Section 18 (4) (g) of the Charter and directs the Treasurer to undertake all necessary actions to secure the fixed bond prior to assuming any duties as Treasurer of the City of Highland Park. Yeas (3), Council Pro Tem Robinson, Councilman Ash Shafii and Councilwoman Martin, Nays (2), Councilwoman Manica and Council President Thomas, Absent (0).

ADMINISTRATION:

03-18-24 VII.

RESOLUTION TO ISSUE RFP FOR AMBULANCE TRANSPORTATION SERVICES

Moved by Councilman Ash Shafii

Supported by Council Pro Tem Robinson

WHEREAS, Michigan Public Health Code Act 368 of 1978 specifies requirements for ambulance services for Michigan residents; and

WHEREAS, in conformance to the Michigan Public Health Code, Highland Park seeks to enter into a contract for ambulance transportation services for its residents in the event of medical emergencies; and

WHEREAS, ambulance transportation services must be provided to patients and residents of the city with or without the ability to pay 24/7, 365 days/year; and

WHEREAS, Rapid Response Emergency Services, LLC the current provider, has a contract that expires in June 2024; and

NOW THEREFORE BE IT FURTHER RESOVLED, the City approves using an RFP for Ambulance Transportation Services. Yeas (5), Nays (0), Absent (0).

COMMUNITY DEVELOPMENT:

03-18-24 VIII-a

**RESOLUTION TO SELL THE VACANT RESIDENTIAL ADJACENT LOT AT 209 MCLEAN TO JUAN WALKER, JR.
THE ADJACENT PROPERTY OWNER OF 211 MCLEAN**

Moved by Council Pro Tem Robinson

Supported by Councilman Ash Shafii

WHEREAS, the City of Highland Park holds in its inventory a surplus of parcels that are not producing a taxable, habitable and general benefit to the city and its residents; and

WHEREAS, it is the goal of the city to decrease the number of parcels its own and return them to productive use; and

WHEREAS, the City of Highland Park is the owner of the vacant adjacent lot at 209 McLean vacant lot immediately adjacent to 211 McLean, a residence owned by Juan Walker, Jr. the (applicant); and

WHEREAS, all fees have been previously paid and required clearances obtained from the Water Department, Treasurer, City Engineer, CED and Legal Departments are signed off and ready to purchase; and

NOW THEREFORE BE IT RESOLVED that the City Council approves the sale of the vacant lot located in Highland Park, MI at the cost of \$500.00. Yeas (5), nays (0), Absent (0).

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03-18-24 VIII-b

**RESOLUTION TO SELL THE VACANT RESIDENTIAL ADJACENT LOT AT 400 HIGHLAND TO BEES R E LLC,
A FLORIDA LIMITED LIABILITY COMPANY, THE ADJACENT PROPERTY OWNER OF 396 HIGHLAND**

Moved by Councilman Ash-Shafii with questions.

Supported by Council President Thomas

WHEREAS, the City of Highland Park holds in its inventory a surplus of parcels that are not producing a taxable habitable and general benefit to the city and its residents; and

WHEREAS, it is the goal of the city to decrease the number of parcels it owns and return them to productive use; and

WHEREAS, the City of Highland Park is the owner of the vacant adjacent lot at 400 highland (vacant lot immediately adjacent to 396 highland a residence owned by the Applicant, Bees R E LLC a Florida limited liability company; and

WHEREAS, all fees have been previously paid, and required clearances obtained from the Water Department Treasurers, City Engineer, CED and Legal Departments are signed off and ready to purchase; and

NOW THEREFORE BE IT RESOLVED that the City Council approves the sale of the vacant lot located in Highland Park Mi at the cost of \$500.00.

Councilman Ash Shafii withdrew his motion and Council President withdrew his support.

No other motion was offered.

ITEM FAILED DUE TO NO ACTION

FINANCE:

03-18-24 IX

Submission of Monthly Financial Statement February 2024.

Moved by Councilwoman Manica

Supported by Council President Thomas

To receive and file the Monthly Financial Statement February 2024. Yeas (2) Councilwoman Manica, and Council President Thomas, Nays (3) Council Pro Tem Robinson, Councilman Ash Shafii and Councilwoman Martin. Absent (0).

DEPARTMENT OF ENGINEERING:

03-18-24 - X

RESOLUTION AUTHORIZING THE SUBMISSION FOR FEDERAL AND FUNDING WAYNE COUNTY FEDERAL AID COMMITTEE FOR FY2027 STP-U (SURFACE TRANSPORTATION PROGRAM-URBAN) FOR THE REPAIR OF OAKLAND AVENUE BETWEEN NORTH DAVISON SERVICE DRIVE AND MCNICHOLS ROAD.

Moved by Councilman Ash Shafii

Supported by Council Pro Tem Robinson

WHEREAS, the Engineering Department received notice of available infrastructure funding from the Wayne County Federal Aid Committee for a community request of local matching funding for eligible roads within the City of Highland Park. The City of Highland Park Received \$3.04 million in funding through FY2020 and FY2022 STP-U programs; is awaiting funding for \$1.69 million through the FY2025 and FY2026 STP-U programs; and

WHEREAS, as part of the application, the City of Highland Park may be able to receive up to 81.85% federal aid and 18.15% local match for road repairs; and

WHEREAS, the City of Highland Park is to submit final plans to Michigan Department of Transportation (MDOT) for obligation by February 1st, 2027, and proof of 18.15% local match. If funding

cannot be matched, a grace period of one month will be provided to the city. Therefore, the funding may be reallocated to alternate city projects; and

WHEREAS the Engineering Department is requesting an approval to submit for funding for the federal aid eligible road due March 30th, 2024; and

NOW THERE BE IT RESOLVED that the Highland Park City Council approves the submission of the Wayne County Federal Aid FY2027 STYP-U Funding project application and commitment, attached to this resolution and will comply with its terms. Yeas (5), nays (0), Absent (0).

ADJOURNMENT:

Moved by Councilwoman Manica
Supported by Council President Thomas

To adjourn; the meeting adjourned at 8:29 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 18th day of March, 2024 and that said minutes are available for public inspections at the address designated on the posted public notice.

 City Clerk