

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

**July 2, 2018**

**Council convened at 7:09 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 Council Pro Tem McDonald**

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

**\*\*\***

**APPROVAL OF MINUTES**

**Moved by Councilmember Lewis**

**Supported by Council Pro Tem McDonald**

**To approve the minutes from the Workshop Meeting held June 4, 2018. Yeas (5), Nays (0), Absent (0).**

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**Moved by Councilmember Lewis**

**Supported by Councilmember Marshall**

**To approve the minutes from the Regular Meeting held June 4, 2018. Yeas (5), Nays (0), Absent (0).**

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**Moved by Councilmember Lewis**

**Supported by Councilmember Woodard**

**To approve the minutes from the Special Meeting held June 14, 2018. Yeas (5), Nays (0), Absent (0).**

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

**To approve the minutes from the Special Meeting held June 21, 2018. Yeas (5), Nays (0), Absent (0).**

**\*\*\***

**PUBLIC HEARING:**

**07-02-18 V**

**The Clerk stated this was the place and time to hold a Public Hearing to receive comments regarding FY 2019 Water Department budget & rates.**

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

**To open the Public Hearing at 7: 25 p.m. The Water Director gave another overview of the FY 2019 department budget & rates. Citizen Alexis Ramsey ask a question regarding the budget.**

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

**To close the Public Hearing at 7:29 p.m. Yeas (5), Nays (0), Absent (0).**

**\*\*\***

**BID OPENING:**

**07-02-18 VI**

**The Clerk stated this was the time and place to open bids for Street sweeping services.**

**One Bid was received. (1)**

**Progressive Sweeping Contractors, Inc.  
5202 Enterprise Blvd. Suite B  
Toledo, Ohio 43612                      Bid amount: \$206,186**

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

**To refer the bid to D.P.W. for a report and recommendation. Yeas (5), Nays (0), Absent (0).**

**\*\*\***

**ORDINANCE- 1<sup>ST</sup> READING:**

**07-02-18-VII**

**The Clerk stated this was the 1<sup>st</sup> reading of the following ordinance:**

An ordinance to amend the Highland Park Fire Prevention Code, Part Sixteen, be adding section 1630 to adopt policies and procedures for the ignition, discharge, and use of consumer fireworks.

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 ordinance 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 HIGHAND PARK ORDAINS:

1630.010 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 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) year 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 provisions of the Highland Park Fire Prevention Code.**

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

**This shall be first reading to amend the Highland Park Fire Prevention Code. Yeas (5), Nays (0), Absent (0).**

**MAYOR:**

**07-02- VII-2**

The following resolution was submitted for approval.

Moved by Council Pro Tem McDonald  
Supported by Councilmember Marshall

**RESOLUTION TO THE APPOINTMENTS OF THE RECREATION COMMISSION**

**WHEREAS.** In accordance with Chapter 262 of the City Ordinance, the City established a Recreation Commission to oversee the policies & procedures of the Recreation Department; and

**WHEREAS,** In accordance with Chapter 262.01 the Commission is to consist of the City of Highland Park appointed by the Mayor; and

**WHEREAS,** the appointments of the Recreation Commission are subject to Council approval; and

**WHEREAS,** the Administration is seeking to improve, redevelop and grow the recreation department by increasing Senior, Youth, and Community programming.

**NOW HEREBY BE IT RESOLVED,** that the Highland Park City Council approves the Mayoral appointments for the Recreation Commission as follows:

<b>Mr. David Fogle</b>	<b>Term Ending January 1, 2021</b>
<b>Mr. Glenn Washington</b>	<b>Term Ending January 1, 2020</b>

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

**\*\*\***

**30<sup>th</sup> DISTRICT COURT:**

**07-02-18 =VIII**

The following communication was received from Judge Officer-Hill.

Request addition space needed for the court clerk area.

Moved by Councilmember Lewis  
Supported by Councilmember Woodard

To table this request. **Yeas (5), Nays (0), Absent (0).**

**\*\*\***

**CITY ADMINISTRATOR:**

**07-02-18-IX**

The following resolution was submitted for approval.

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

**RESOLUTION REGARDING PLAN TO ELIMINATE DEFICIT IN WATER AND SEWER FUND AS REQUIRED BY  
1971 PA 140**

**WHEREAS**, *claims* by Detroit and Detroit Water and Sewer Department (“DWSD”) which have resulted in accounting deficiency of \$32 million in the June 30, 2017 Highland Park audit report are the only unpaid debts from Highland Park’s otherwise completed obligations outlined in the final report from the neutral evaluator dated September 6, 2014, appointed under Act 436, MCL 141.1565; and reimbursement obligations under a Remarketing Agreement with Fifth Third Bank and other obligations outlined under the Emergency Loan Agreement dated September 26, 2014 (Exhibit 1);

**WHEREAS**, Highland Park’s June 30, 2017, Financial Report notes (1) a deficit of approximately (\$32.0) million, (2) an increase in unpaid water and sewer user fees to \$10.9 million, (3) an account payable to Detroit Water and Sewerage Department <sup>1</sup>related to both water and sewer services of \$32 million, which includes a Partial Judgment in Wayne County Circuit Court dated July 31, 2014, entered *before* the neutral evaluator report of September 6, 2014, of \$20 million<sup>2</sup>;

**WHEREAS**, Highland Park (the “City”) has implemented a four-point strategy to eliminate the DWSD claims which cause the \$32 million deficit in its water and sewer fund:

1. Litigation to enforce terms of the 1996 Court Consent Judgment/ Settlement Agreement (“Consent Order”), executed and agreed to by DWSD/GLWA (following an appeal of District Court judgments against the City to the 6<sup>th</sup> Circuit) under which the entire \$32 million constitutes excessive billing overcharges in violation of the specific terms of the Consent Order.

2. Institution of billing and collection procedures, including litigation to collect unpaid sewer fees for storm water runoffs discharged into the City sewer system by MDOT, Wayne County Department of Public Services, Wayne County Land bank, the State of Michigan Land Bank Fast Track Authority, and other large landowners.

3. Continued timely collection of sewer user fees and water user fees from all retail and commercial users.

4. Continued capital improvements to fix all leaks in the water and sewer mains and pipes to reduce the sewer charges to the 1.0 mgd of water used by City consumers.

**WHEREAS**, with regard to enforcement of the DWSD/GLWA- City of Highland Park 1996 Consent Order, Highland Park has commenced three separate lawsuits described below disputing the \$32 million

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<sup>1</sup> Hereinafter “DWSD/GLWA” or “GLWA” based on transfer by DWSD of its regional sewer treatment system and assignment of its 1983 Sewer Services Contract with Highland Park to Great Lakes Water Authority.

<sup>2</sup> The \$20 million Partial Judgment was obtained by a fraud on the court by misrepresentations that emergency water contracts (with captions removed) dated back to 1926 were sewer service contracts. The only written contracts are the 1996 Consent Order which incorporates by reference portions of the 1983 Sewage Services Contract.

in bills claimed by DWSD/GLWA to be unpaid. If the City prevails on either one of these lawsuits the deficit will be all or substantially all eliminated.

(1) First Lawsuit. A counter-complaint to set off against the Partial Judgment of approximately \$20 million now subject to a tax levy (Case No. 14-001974 in Wayne County Circuit Court) based on enforcement of the 1996 Consent Order approved by Detroit City Council and Highland Park City Council to set rates based on the following agreement:

Paragraph 1a and 1b of the Settlement Agreement provide for fixed sewer rates having no end date, as follows:

“(a)\*\*\*The resulting water rate will be \$12.05 per kcf and resulting wastewater rate will be \$22.66 per kcf. The rate increase will be effective July 1, 1996 on all bills rendered on or after August 1, 1996. As a condition precedent to Detroit's acceptance of this settlement agreement, Highland Park shall provide Detroit with a certified copy of the City Council resolution enacting such rate increase.

(b) Highland Park further covenants to take whatever further lawful measures that may be necessary to meet timely its obligations to Detroit under the terms of the June 8, 1983 Sewage Service Contract between them.

The June 8, 1983 Sewage Service Contract in paragraph 1(b) above (the “Contract”) states expressly that “the rate[billed] shall conform to section 204(b)(1)(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(1)(b), p. 5). GLWA has been in continued violation of these regulations.

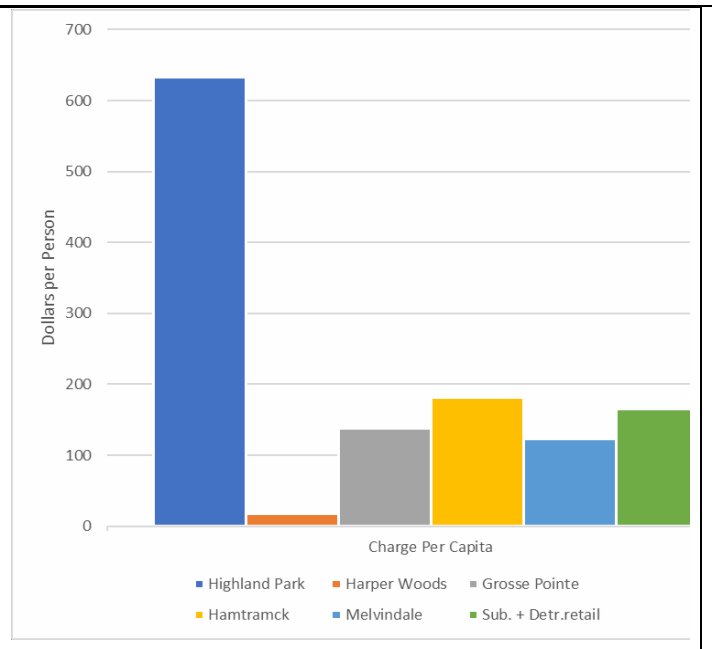
The Contract also provides sewer rates charged Highland Park may not include debt financing for non-capital payments of swap breakage fees which may not be included in sewer rates (Contract §A(2)).

The Contract further provides that DWSD is prohibited from requesting a levy of ad valorem taxes to collect its \$20 million Partial Judgment for sewer fees or any payment from ad valorem taxes of any other or future sewer fees (Contract §A(1)(b)).

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 Highland Park 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.

The Chart below derived from GLWA’s June 2014 SEC required disclosures on DAC Bond demonstrates the serious discrepancy in Highland Park billings:

customer	populati on	sewer billing	Per capit a
Highland Park	10,883	6,887,428	632.8 6
Harper Woods	13,730	242,834	17.68
Grosse Pointe	5,187	711,784	137.2 2
Hamtram ck	21,752	3,941,094	181.1 8
Melvindal e	10,322	1,275,075	123.4 1
All Customer s- Suburban , Retail	2,807,00 0	464,787,0 80	165.5 8



On July 5, 2017, the Circuit Court stated “when I was initially looking at this when I entered the stay, . . . if your arguments are correct and I go along with it, in theory ***it could be a wash in terms of the counterclaim and the principal case.*** . . .” and on December 20, 2017 the Court ordered that the City’s Motion for Summary Disposition be scheduled for hearing on a date to be set by the Court.

(2) Second Lawsuit: A Complaint to enforce Federal Clean Water Act regulations requiring DWSD/Great Lakes Water Authority to comply with Permit conditions requiring fair, proportionate billing of Highland Park for the amount of sewage delivered to the regional treatment plant. (Case No. 16-13840 Michigan Eastern District Court). On September 30, 2017, the District Court granted Highland Park’s motion to amend its complaint stating:

“...there are many and varied causes of action in the proposed complaint; it is almost twice as long as the original complaint, contains twice as many prayers for relief, and contains three times as many listed causes of action. Compare ECF 1 with ECF 69.

The Court may deny Highland Park an opportunity to amend on the grounds of futility only if the amendment is entirely futile. Defendants briefly assert that the new complaint is just as deficient as the old one, without any specific references to the newly articulated causes of action in the considerably longer proposed complaint. The Court requires more detail to foreclose Highland Park’s opportunity to amend.”

(3) Third Lawsuit: A Complaint to (i) enforce the June of 1996 Order of the District Court for the Eastern District of Michigan incorporated into a 1996 Settlement Agreement, (ii) have declared that the City has complied with the 1996 Consent Order, and (iii) hold DWSD/Great Lakes Water Authority in contempt of court for continued overcharges of Highland Park which created the deficit shown in the June 30, 2017 audit. This case, filed on 9/17/2017, is subject to GLWA/DWSD’s Motion to Dismiss that is pending. (See, generally, Exhibit 2 Chronology)

**WHEREAS**, as set forth on page 3 of the Department of Treasury’s September 2013 Preliminary Review of Highland Park’s violations of 17 to 20 of Public Act 2 “*there is a settlement agreement*



between the City of Detroit and City of Highland Park which requires 65% of the revenues collected for water services go directly to the City of Detroit, with only 35% delivered to Highland Park.” (Exhibit 3, top of page 3). This Review acknowledges that the 1996 Consent Ordered settlement creates an escrow, but fails to mention that the 1996 Settlement also establishes sewer rates by starting with the statement that “the rate shall be...” The 1996 Consent Order Settlement ***sets a fixed sewer rate, and a fixed water rate both of which are binding agreements of DWSD/GLWA. The Consent Order provides that 65% of both the fixed sewer rates and water rates are paid to Detroit for sewer services based on the agreement settling all claims to dismiss Highland Park’s 6<sup>th</sup> Circuit appeal. The 1996 Settlement does not say that the rate shall be the amount billed by DWSD each year***<sup>3</sup>;

**WHEREAS**, pursuant to the affidavits of the City Finance Director and City Engineer, as of October 2016 Highland Park has paid \$5.5 million more than the rates set in the 1996 Settlement: DWSD has billed \$50,745,730.51 (Dates: October 2004 to December 2015) and the amount due is \$22,576,844.27; The City of Highland Park has paid \$28,168,886.24. (Exhibit 4)

**WHEREAS**, with regard to the second point of the deficit elimination strategy-- billing and collection of revenues--Highland Park has for the last two years sent detailed storm water bills to major dischargers of storm water runoff and has over \$3 million in collectible storm water charges backed by real and personal property liens. (Exhibit 5). Lawsuits were filed against both Michigan Department of Transportation (MDOT) and Wayne County DPS for non-payment for sewer services. In the MDOT litigation the court ruled that MDOT was liable to pay its fair share of sewage treatment costs billed to Highland Park by DWSD/GLWA but that because the State’s waiver of sovereign immunity was only for two years from the date the claim is filed with the court of claims, MDOT could only be charged for sewer user fees subsidized by Highland Park, for the last thirty years, for the last two years. This ruling led to a settlement where MDOT paid \$1,000,000 toward Highland Park’s legal and settlement costs with a user contract going forward. In the Wayne County case the Court found that Wayne County did not have to pay going back but is obligated to pay bills going forward. Wayne County is currently negotiating a settlement agreement with the City.

**WHEREAS**, with regard to the third point of the deficit elimination strategy-Highland Park continues its timely collection of non-storm water sewer and water user fees from retail and commercial users. The Collection rate since June 30, 2017 dated of the audit report is 90%. Highland Park will continue to aggressively collect water and sewer bills.

**WHEREAS**, with regard to the fourth and final point of the deficit elimination strategy-- repair of the water and sewer pipes and mains:

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<sup>3</sup>The State’s prior deficit elimination plan, enforced by the State appointed Emergency Managers, have interpreted the 1996 Consent Order to require Highland Park to pay all amounts billed, without any analysis of compliance with the parties’ Federal Court Consent Orders governing written sewer rate setting and adjustment agreements between DWSD and Highland Park. The 1996 Consent Order Settlement Agreement which incorporates the 1983 Agreement in paragraph 1(b) as set forth above is the only binding contract agreed to by resolution of the Detroit City council and the Highland Park City Council that sets sewer and water rates and Highland Park must continue to press the courts for a hearing on the merits of the enforcement of these contracts in Federal and State Courts. The \$20 million judgment was based on an implied contract “accounts stated” argument which assumed there are no written agreements between the parties and a single piece of evidence—a 3-line summary from DWSD’s Deputy Director of “account stated” bills sent to Highland Park without any reference to the contract which imposed the obligation to pay. (Exhibit 6)

1. First, Highland Park will continue to use State grants and internally generated funds to detect leaks in the water distribution system. On April 19, 2018, the City of Highland Park Water Department located and repaired a major leak at 330 Glendale Avenue, the Spectrum Juvenile Justice Calumet Center. This facility was constructed in the late 1990's/early 2000's and was supposed to be inspected by the State of Michigan during construction. However, it was believed to have never been inspected during the construction process. The Water Department eventually located this leak under a high grass berm on the property, to reach a solution for ongoing complaints of intermittent low water pressure in the area. Estimated leakage rate of up to 750,000 gallons a day was calculated. After completion of the repair, it was discovered this water leak had been ongoing for some extended period of time and had undermined the grass berm and steel guard rail in the area. The City of Highland Park eventually covered the cost of this repair.

GLWA continues to pump excessive amounts of water to Highland Park without any plan to identify and fix leaks in disregard of the increases in the cost of sewer services beyond the financial ability of most residents of the City to pay.

2. Secondly, R 323.951 Definitions dealing with the priority to get revolving loans provides:

(c) "Excessive infiltration/inflow (I/I) means the quantities of clear water that can be economically eliminated from a sewer system by rehabilitation, as determined by a cost-effectiveness analysis that compares the costs for correcting the infiltration/inflow conditions with the total costs for transportation and treatment of the infiltration and inflow."

The purpose of the infrastructure improvements outlined in the Water and Sewer Fund Deficit Elimination Plan (Exhibit 8, hereto), City of Highland Park DEP Cash Flow Assumptions, Section 3, "Expenditures," "Improvements in the Water System (Line 54)" and "Improvements in the Sewer System (Line 53)," would be to reduce Highland Park's volume of flow to the Regional water plant to 1,000,000 gallons a day which would reduce the cost of sewer services to approximately \$2.7 million and cost of water services to approximately \$330,000. Elimination of I&I through use of revolving loans and system revenues is the only way for Highland Park residents to be able to afford sewer services, given median household incomes (MHI) of only \$18 million per year, and continue their economic recovery. By fixing the system's leaky water and sewer infrastructure, Highland Park's direct and indirect sewer costs are significantly decreased from the \$6.9 million under current GLWA charges or 8% of the MHI of one of the lowest income level cities in the State. Highland Park residents now are charged 4 times more than EPA guidelines stating that say 2% of MHI is at the outer limits of affordability. Funding these system improvements would result in affordable water and sewer rates which will enhance economic growth thereby increasing MHI in the city and reducing unreasonable burden of the predominantly lower income residents of the City to pay 8% of their meager incomes just for sewer services.

**WHEREAS**, 1971 PA 140 requires that a Deficit Elimination Plan be formulated by Highland Park and filed with the Michigan Department of Treasury;

**WHEREAS**, the June 6, 2018, letter from the Department of NOTICE OF INTENT TO WITHHOLD STATE PAYMENTS cites two funds having deficits:

Community Development Block Grant	-\$7,087
Water & Sewer Fund	-\$31,872,428

**WHEREAS**, the accounting report shows there is no deficit in the Community Block Grant Fund and recordation of this deficit was in error as shown in Exhibit 7 for submission to the Michigan Department of Treasury.

**NOW THEREFORE, IT IS RESOLVED**, that the Highland Park City Council body adopts the Highland Park Community Block Grant Fund Deficit Elimination Plan to correct the Fiscal 2018 Audit Beginning Fund Balance as shown in Exhibit 7.

**NOW THEREFORE, IT IS RESOLVED** that the Highland Park City Council body adopts the Highland Park Water and Sewer Fund Deficit Elimination Plan as set forth in EXHIBIT 8, which WATER AND SEWER DEFICIT ELIMINATION PLAN is incorporated herein by reference as if fully stated herein for submission to the Michigan Department of Treasury.

**NOW THEREFORE, BE IT FURTHER RESOLVED** that to implement the fund deficit elimination plan set forth in Exhibit 8:

1. Highland Park will obtain a letter from its auditor Gregory Terrell & Company with a cover sheet preformat to the existing June 30, 2017, Audit, and a correction to the Fiscal 2018 Audit beginning fund balance, showing the result of making the corrections noted in Exhibit 7, so that the Community Block Grant Fund will not have a deficit.

2. Highland Park will continue litigation to enforce Highland Park's and DWSD/GLWA's clearly stated obligations in the 1983 Contract regarding adjustments of sewer rates --none of which have ever been followed by DWSD/GLWA-- and the water and sewer rates fixed by the 1996 Federal Consent Order.

3. Attached as Exhibit 9 is the March 2018 Memorandum of Understanding presented to DWSD/GLWA setting out Highland Park's suggested plan to resolve the litigation and replace the lawsuits with a new long-term contract. Highland Park will continue to pursue settlement negotiations as outlined in the attached MOU.

4. 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 will ask that GLWA acknowledge publicly that its disproportionate billings are in violation of the existing 1996 and 1983 Agreements.

5. Highland Park will continue its negotiation of a settlement agreement with Wayne County requiring Wayne County to pay its fair share of storm water runoff treatment costs from its highways that crisscross Highland Park following the outlines of its recent settlement with MDOT.

6. Highland Park will strictly enforce storm water charges against other major land owners in the City based on its billings commenced two years ago.

7. Highland Park will timely and aggressively continue to collect all water and sewer user fees from retail and commercial customers.

8. Highland Park will take all of the funds from reduction of the DWSD/GLWA overcharges in violation of the 1983 Contract as incorporated into the 1996 Consent Ordered Settlement rates set by agreement of the parties to resolve litigation, and the enhanced collections of storm water fees from MDOT, Wayne County and other large land owners to provide debt service and coverage on revolving loans, and "pay-go" capital improvements, in the approximate amounts set forth in the Water and Sewer Fund Deficit Elimination Plan (Exhibit 8, hereto), City of Highland Park DEP Cash Flow Assumptions, Section 3, "Expenditures," "Improvements in the Water System (Line 54)" and "Improvements in the Sewer System (Line 53)," to dry up the system in order to reduce the potable water and sewer treatment user costs to retail and commercial citizens of Highland Park to a level that is affordable so that collections are feasible.

9. The officers, administrators, agents and attorneys of the City are authorized and directed to take all other actions necessary and convenient to facilitate Water and Sewer Fund Deficit Elimination Plan

10. All resolutions and parts of resolutions, insofar as they conflict with the provisions of this resolution, are hereby rescinded.

**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 by uploading online at <http://www.michigan.gov/MunicipalFinance>. Click on the "Deficit Elimination Plan Upload" link.

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

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**CITY CLERK:**

**07-02-18 X-a**

The Clerk submitted a business license application for V-Live to be located at 116549 Woodward.

Moved by Councilmember Marshall

Supported by Council Pro-Tem McDonald

To table the above business license application. Yeas (5), Nays (0), Absent (0).

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**07-02-18 X-b**

The clerk submitted the following resolution for approval.

I respectfully, request your approval of the rates of pay for all election workers and the establishment of polling places for the Primary election to be held on Tuesday, August 7, 2018

Moved by Councilmember Woodard

Supported by Councilmember Marshall

**BE IT RESOLVED**, that all election inspectors serving for the Primary election to be held on Tuesday, August 7, 2018 shall be paid on a fee basis; and the fee to be paid for Chairperson shall be the sum of \$175.00 and the fee to be paid for inspector shall be the sum of \$150.00 each which includes the \$10 fee for attending the training session prior to the election.

**BE IT RESOLVED** that the following places are hereby designated as the polling places within the City of Highland Park for the August 7, 2018 Primary election:

<b>PRECINCTS</b>	<b>LOCATION</b>	
1	Healing Spring Missionary Baptist Church	12647 Hamilton
8	Faith Tabernacle Church	16548 Hamilton

14	Ernest T. Ford Field House	10 Pitkin
15	Ernest T. Ford Field House	10 Pitkin
18	Robert B. Blackwell Municipal Complex	12050 Woodward Ave.
20	New Mt. Moriah Baptist Church	13100 Woodward Ave.
23	Downes Manor	13725 John R.

**THEREFORE, BE IT RESOLVED** that pay for all election inspectors and the establishment of polling places and (1) A.V. Counting Board for all precincts for the Primary Election to held Tuesday, August 7, 2018 be approved.

**FURTHER BE IT RESOLVED** that due to building problems Precinct 23 Downes Manor located at 13725 John R is temporary relocated to the Highland Park Fire Station 25 Gerald until further notice. Yeas (5), Nays (0), Absent (0).

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**FINANCE:**

**07-02-18-XI**

The Finance Director submitted the Monthly Financial statement May 31, 2018

Moved by Councilmember Lewis  
Supported by Council Pro Tem McDonald

To received and file the submission of Monthly Financial statement May 31, 2018. Yeas (5), Nays (0), Absent (0).

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**PUBLIC WORKS:**

**07-02-18 XII-a**

The following resolution was submitted for approval.

Moved by Councilmember Lewis  
Supported by Council Pro Tem McDonald

**RESOLUTION FOR THE PURCHASE OF GAS AND DIESEL FUEL**

**WHEREAS**, on March 19, 2018 the City Council approved a Resolution that DPW be allowed to post an RFP in the local paper requesting bids for gas and diesel fuel supply;

**WHEREAS**, from the RFP, Highland Park received only one bid; and

**WHEREAS**, in an effort to seek additional competitive pricing, Highland Park investigated other opportunities including the State of Michigan’s MIDEAL cooperative program; and

**WHEREAS, the State of Michigan has MIDEAL which is an extended purchasing program which allows Michigan cities (Highland Park is currently a dues-paying member) to use state contracts to buy goods and services; and**

**WHEREAS, the bid received from the RFP was for \$.20/gallon over OPIS pricing and the MIDEAL contract is \$.15/gallon over OPIS pricing; and**

**WHEREAS, Highland Park will also realize additional savings from switching the fleet, over the last 45 days, from using 89 octane premium gas to using 87 octane regular gas (\$35,000)- \$40,000 savings annually); and**

**BE IT RESOLVED by the City Council of the City of Highland Park that DPW be allowed to use MIDEal as the contractor for gas and diesel fuel. Yeas (5), Nays (0), Absent (0).**

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**07-02-18-XII-b**

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

**RESOLUTION FOR RENOVATION OF 30<sup>TH</sup> DISTRICT COURT OFFICES AND ADJACENT AREAS**

**Moved by Councilmember Lewis**

**Supported by Councilmember Woodard**

**WHEREAS, the State of Michigan's 30<sup>th</sup> District Court is located in the Highland Park City Hall; and**

**WHEREAS, the City of Highland Park Fire Department informed the Court that the clerk area is a potential fire hazard and unsafe as it does not have a second egress for its employees; and**

**WHEREAS, a Court Security Specialist through the Michigan Supreme Court Administrative Offices recommended that the clerk office area be increased in size and include a second egress that does not lead out to the public lobbies; and**

**WHEREAS, the City of Highland Park budgeted limited funds in the 2018-19 fiscal year to remedy these issues as well as re-organize and properly address adjacent areas; and**

**WHEREAS, the Court solicited and received an architectural diagram that partially addresses the construction portion of the work to be performed; and**

**BE IT RESOLVED by the City Council of the City of Highland Park that DPW be allowed to solicit 3-5 reputable office construction firms to visit the space and submit bids for the completion of the construction and related work using the architectural diagram a starting point. Yeas (5), Nays (0), Absent (0).**

**WATER DEPARTMENT:**

**07-02-18-XIII**

The following resolution was submitted for approval.

**RESOLUTION TO ADOPT THE FY 2019 WATER DEPARTMENT BUDGET AND RATES AS REQUESTED BY  
THE WATER DEPARTMENT**

Moved by Councilmember Lewis

Supported by Councilmember Marshall

WHEREAS, pursuant to chapter 1040.17 and 1042.01 of the City Code of Ordinance, it is the responsibility of the City of Highland Park to establish water and sewer rates; and

WHEREAS, the City Council has received and reviewed the Water Department Director's recommended water and sewer rates for FY 2019; and

WHEREAS, the Highland Park City Council shall and has received comments on the recommended water and sewer rates from citizens at a duly advertised public hearing; and

WHEREAS, it is the intent of the Water Department Director that rates shall adhere to the proposed budget funds for FY 2019; and

WHEREAS, all comments received from citizens at a duly advertised public hearing will be documented; and

BE IT RESOLVED, after documentation of all comments received from citizens, that the Water Department Director is authorized to take all necessary actions to give this resolution effect. Yeas (5), Nays (0), Absent (0).

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**CITY COUNCIL AFFAIRS:**

The following resolution was submitted for approval.

**RESOLUTION TO ACCEPT A MONETARY DONATION TO THE HIGHLAND PARK CITY COUNCIL FOR THE  
SOLE PURPOSE OF THE 2019 CITY COUNCIL COMMUNITY DAY OR ANY OTHER CITY COUNCIL  
SPONSERED CIVIC/COMMUNITY ENGAGEMENT ACTIVITY**

Moved by Councilmember Lewis

Supported by Council Pro-Tem McDonald

WHEREAS, the Highland Park City Charter requires City Council approval for all donations made to the City of Highland Park; and;

WHEREAS, the Highland Park City Council continues to serve and engage the community through its annual City Council Community Day annually held in June of each year for the past 3 years, and;

**WHEREAS, this unsolicited donation by Pharmor Pharmacy in the amount of \$500.00 (five hundred dollars) was given to the Highland Park City Council for the aforementioned purposes, and;**

**WHEREAS, the Highland Park City Council is requesting a budget amendment in the amount of \$500.00 (five hundred dollars) be added to the City Council budget with the line item of Civic/Community Engagement;**

**NOW, THEREFORE BE IT RESOLVED, that the Highland Park City Council accepts this donation for the aforementioned and submits it to the City Treasurer for deposit. Yeas (5), Nays (0), Absent (0).**

**ADJOURNMENT:**

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

**To adjourn the meeting; motion carried meeting adjourned at 8:30 p.m.**