

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

DECEMBER 20, 2021

Council convened at 7:01 p.m. with Council President Clyburn presiding.

Present: Council Pro Tem Patrick remotely from Highland Park, MI; Councilmember McDonald remotely from Highland Park, MI; Councilmember Bates remotely from Highland Park, MI; Councilmember Armstrong remotely from Highland Park, MI and Council President Clyburn remotely from Highland Park, MI (5).

Absent: (0).

A quorum being present, Council was declared in session.

APPROVAL OF AGENDA

Moved by Councilmember Armstrong
Supported by Council Pro Tem Patrick

To approve the agenda with the addition of a resolution from Legal regarding binding arbitration and the removal of item V from the Mayor and VI b, c & d from City Council. Yeas (5), Nays (0), Absent (0).

APPROVAL OF MINUTES

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

To approve the minutes of the Virtual Workshop Meeting held December 6, 2021. Yeas (5), Nays (0), Absent (0).

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Moved by Councilmember McDonald
Supported by Councilmember Armstrong

To approve the minutes of the Virtual Regular Meeting held December 6, 2021. Yeas (5), Nays (0), Absent (0).

**CITY COUNCIL
12-20-21 V**

The following resolution was submitted for approval.

RESOLUTION TO CREATE A HIGHLAND PARK SUSTAINABILITY TASK FORCE

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

WHEREAS, in accordance with Section 7-18 of the City of Highland Park Charter, City Council may from time to time appoint such boards, committees, or commissions as are deemed appropriate or necessary to advise and consult with them and with appropriate officers or department heads of the City regarding any Municipal activity or to carry out duties established by State or Federal laws or other appropriate authority, **and**,

WHEREAS, the Highland Park Sustainability Task Force (HPSTF) will be created to review Highland Park's existing ordinances, policies, and activities and research and identify potential improvements to such ordinances, policies, and activities as they relate to environmental sustainability, **and**,

WHEREAS, the HPSTF will advise the City Council and the Mayor on opportunities to promote environmental sustainability, including but not limited to natural resources, energy, food waste, recycling, solid waste disposal, hazardous waste management, transportation, air quality, and environmental justice in Highland Park, **and**,

WHEREAS, the HPSTF will consult with private entities and educational institutions regarding Highland Park's sustainable initiatives, as well as coordinate and support efforts to unite the focus municipal programs and services as they relate to sustainable initiatives, **and**,

WHEREAS, the HPSTF will hold public meetings and will be subject to the standards, rules, and regulations of the Open Meetings Act regarding sustainability initiatives and the work of the HPSTF in order to provide a forum for addressing public concerns related to sustainable policies and practices, **and**,

WHEREAS, the HPSTF will identify and advise the City Council and the Mayor on grant opportunities and sustainability resources, as well as advise the City Council on legislation that supports sustainability initiatives, **and**,

WHEREAS, the HPSTF shall consist of seven (7) members, which will include four (4) members appointed by the City Council that three (3) which resides in the City of Highland Park and one (1) nonresident and three (3) members selected by the four (4) members appointed by the City Council (not more than one (1) nonresident of the City of Highland Park); the HPSTF will keep minutes of their meetings and make them publicly accessible online, **NOW**,

THEREFORE, BE IT RESOLVED, that the Highland Park City Council will establish the Sustainability Task Force for a period of two (2) years before reconsideration to advise the City Council and the Mayor on opportunities to promote environmental sustainability, including but

not limited to natural resources, energy, food waste, recycling, solid waste disposal, hazardous waste management, transportation, air quality, and environmental justice in the City of Highland Park. Yeas (5), Nays (0), Absent (0).

**FINANCE
12-20-21 VI**

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

To receive and file monthly Financial Statement November 30, 2021. Yeas (5), Nays (0), Absent (0).

**ENGINEERING
12-20-21 VII a**

The following resolution was submitted for approval.

RESOLUTION TO SOLICIT CONTRACTOR FOR SINKHOLE REPAIRS

Moved by Councilmember Armstrong
Supported by Councilmember Bates

WHEREAS, in 2019, the City Engineering Department in conjunction with the Department of Public Works identified the 69 worst sinkholes in the City; and

WHEREAS, those 69 sinkholes were repaired at a cost of \$318,000 which was funded with Act 51 funds; and

WHEREAS, in 2021, the City Engineering Department in conjunction with the Department of Public Works assessed all of the public roadways in the City and identified 183 repairs to roads, sinkholes and catch basins throughout the City that may pose a threat to the infrastructure as well as to the safety of the residents and road users; and

WHEREAS, the repairs were split among the three districts as follows:

District	Total	Planned	%	Estimated Total Cost
1	82	35	43%	\$183,750
2	51	20	39%	\$105,000
3	50	20	40%	\$105,000
	183	75	41%	\$393,750

WHEREAS, on April 5, 2021, the City approved a resolution to approve a contract with

Century Cement for sinkholes and catch basin repairs up to \$400,000 to be funded with Act 51 funds; and

WHEREAS, 74 of the 183 sinkholes were repaired along with an additional 5 that were identified at a later date for an approximate cost of \$400,000 funded with Act 51 funds; and

WHEREAS, there remains 109 identified sinkholes left at an approximate cost of \$552,000; and

Year	# of Sinkholes	# Repairs	Est. Cost of Repairs	Est. Cost Per Repair
2019	69	69	\$318,000	\$4,608 / sinkhole
2021	183	79*	\$400,000	\$5,063 / sinkhole
2022	109	109	\$552,000	\$5,063 / sinkhole

NOTE: In 2021 74 sinkholes were repaired from list of 183 plus 5 additional identified later

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City approves soliciting bids for the remaining 109 sinkhole repairs to be completed as Act 51 funds become available. Yeas (5), Nays (0), Absent (0).

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12-20-21 VII b

The following resolution was submitted for approval.

A RESOLUTION FOR THE SUBMITTAL OF THE 2021 COMMUNITIES LEAP (LOCAL ENERGY ACTION PROGRAM) PILOT TECHNICAL ASSISTANCE GRANT APPLICATION TO THE U.S. DEPARTMENT OF ENERGY BY THE CITY OF HIGHLAND PARK ENGINEERING DEPARTMENT

Supported by Councilmember Bates
Moved by Council Pro Tem Patrick

WHEREAS, energy resources utilized by the community may significantly impact public health, safety, and welfare, and the economic and social well-being of residents; and

WHEREAS, the City of Highland Park is committed to pursue strategies to promote and facilitate clean energy, carbon reduction actions, ordinances, and policies; and

WHEREAS, the City of Highland Park recognizes the necessity to promote public awareness and education to its citizens concerning the environmental, health, economic, and societal benefits of pursuing a broad range of strategic measures related to renewable energy; and

WHEREAS, access to the financial and environmental benefits of energy efficiency and renewable energy must be shared equitably across all economic classes; and

WHEREAS, if the City of Highland Park is awarded the technical assistance grant, the Department of Energy will allocate \$500,000 of technical assistance towards developing polices and or ordinances in the following areas: Clean Energy Planning and Development, Energy Efficient Buildings and Beneficial Electrification Planning and Investment, Clean Transportation Planning and Investment, Community Resilience Microgrids, and New or Enhanced Manufacturing; and

WHEREAS, the technical assistance requirement period is eighteen (18) months; and

WHEREAS, the Engineering Department will work with the Building Department, Department of Public Works, Community & Economic Development, and other City bodies, as well as Highland Park community based organizations to provide information and ensure the documents produced by the Department of Energy accurately reflect the needs of the community; and

BE IT RESOLVED, the City of Highland Park City Council approves the submittal of the 2021 Communities Leap (Local Energy Action Program) Pilot Technical Assistance Grant Application to The U.S. Department of Energy Requesting a total of \$500,000 before December 17th, 2021. Yeas (5), Nays (0), Absent (0).

**FIRE
12-20-21 VIII**

The following resolution was submitted for approval.

RESOLUTION FOR PURCHASE OF FIRE DEPARTMENT TURNOUT GEAR

Moved by Councilmember McDonald
Supported by Councilmember Armstrong

WHEREAS, on September 7th the City approved a resolution to solicit bids for fire equipment;and

WHEREAS, an RFQ was issued for turnout gear (PPE for firefighters including trousers, coat, suspenders, boots, helmet, nomex hood and gloves that meet NFPA, OSHA and MIOSHA standards); and

WHEREAS, three bids were received for turnout gear (see attached); and

WHEREAS, Municipal Emergency Services was selected by the Fire Chief as the company providing the gear that best fits the needs of the Highland Park Fire Department; and

WHEREAS, the City requires turnout gear that will be safe and dependable for our firefighters to protect our city and its residents; and

NOW, THEREFORE, BE IT RESOLVED, that the City approves the purchase of 36 sets of turnout gear at a price of \$2,849.59 each or \$102,585.24. Yeas (5), Nays (0), Absent (0).

**LEGAL
12-20-21 IX**

The following resolution was submitted for approval.

**RESOLUTION TO APPROVE GREGORY YOPP v KEATH BARTYNSKI
FOR BINDING ARBITRATION
(Case No. 18-cv-12866; United States District Court)**

Moved by Councilmember Bates
Supported by Council Pro Tem McDonald

WHEREAS, Gregory Yopp is suing the City of Highland Park and Keath Bartynski in Federal Court under theories flowing from *Monell v Dept of Social Services*, which permits a lawsuit against a city under *42 USC § 1983* for Bartynski's behavior that violated his constitutional rights only when acting through an official policy when he used excessive force against Mr. Yopp; and

WHEREAS, United States District Court Judge Arthur Tarnow has advised that it would be at least a year before the case could be tried. In addition, Bartynski has his own lawsuit against the City and could not be depended upon to be helpful in a trial; and

WHEREAS, Highland Park has several options going forward but, in counsel's opinion, binding arbitration makes the most sense because it gives the City the most influence over the desired outcome; and

WHEREAS, the case for binding arbitration is as follows:

1. The proceedings are private before a panel of three (3) lawyers or retired judges.
2. There will be no adverse publicity.
3. The City selects one arbitrator, Mr. Yopp selects one, and all parties agree on a third or neutral arbitrator.
4. In arbitration, the parties exercise much control over the process, which is a major plus.
5. The parties can agree on a binding high/low award.
6. Bartynski would not be a witness.
7. The process is approved by United States District Court Judge Arthur Tarnow.

NOW, THEREFORE, BE IT RESOLVED, that City Council approve the recommendation of submitting the case of *Yopp v Bartynski* for binding arbitration. Yeas (4), Nays (1) Patrick, Absent (0).

**RECREATION
12-20-21 X a**

The following resolution was submitted for approval.

**RESOLUTION TO SUBMIT APPLICATION FOR STATE OF MICHIGAN GRANT
FOR FINANCIALLY DISTRESSED CITIES, VILLAGES OR TOWNSHIPS (FDCVT)
FOR STANDBY GENERATOR FOR REC CENTER**

Moved by Councilmember Bates
Supported by Councilmember Armstrong

WHEREAS, on November 9, 2021, the State of Michigan announced the availability of \$2.5 million for 2022 FY grants to financially distressed cities, villages, or townships (FDCVT) to be used to help fund special projects and freeup tax dollars for important services; and

WHEREAS, Highland Park qualifies for subject grant; and

WHEREAS, in the recent past, the City successfully applied for and received grants for the Water Department, a new police vehicle, the Blue Light Project, an ADA front entrance to City Hall and solar streetlights; and

WHEREAS, Highland Park wishes to apply for funding under this program for a standby generator for the Recreation Center; and

WHEREAS, the Recreation Center is the hub of the community, providing education, health & human services, and community space for City residents; and

WHEREAS, the Recreation Center hosts after school and summer programs, physical fitness activities, senior program activities and a variety of community events (i.e., voting, meetings, repast dinners, Covid-19 vaccines, food pantries,etc.); and

WHEREAS, the Recreation Center has also been used by local businesses, such as Magna, for training, etc.; and

WHEREAS, the City also desires to use the Recreation Center as a city-wide sheltering site in the event of an emergency; and

WHEREAS, to ensure continuous operation of the Recreation Center for the provision of community services as well as for a community shelter, a standby generator is needed; and

NOW, THEREFORE, BE IT RESOLVED the City approves applying for a 2022 FDCVT grant for the purchase of a standby generator for the Recreation Center. Yeas (5), Nays (0), Absent (0).

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12-20-21 X b

The following resolution was submitted for approval.

**RESOLUTION TO APPROVE CONTRACT FOR RECREATION CENTER DOORS
EXCLUDING FRONT ENTRANCE DOORS**

Moved by Councilmember Armstrong
Supported by Councilmember Bates

WHEREAS, on September 20, 2021 the City approved a resolution to solicit quotes to repair/replace Recreation Center doors to meet Fire Safety Regulations and prevent water from coming into the building; and

WHEREAS, only two bids were received for five sets of doors (Stairwell #1, Stairwell #2, gym exit door, men's locker room door, maintenance door): Bid 1) Jan Door at \$10,845 and Bid 2) NOS at \$10,796; and

WHEREAS, the City has had previous experience with Jan Door, including recently installed library doors, and wishes to engage them for the five sets of doors; and

NOW, THEREFORE, BE IT RESOLVED that the City approves the contract with Jan Door to repair/replace five sets of doors at the Recreation Center at a cost of \$10,796 (with an additional 10% contingency for hardware). Yeas (5), Nays (0), Absent (0).

**WATER
12-20-21 XI**

The following resolution was submitted for approval.

**A RESOLUTION FOR THE SUBMITTAL OF THE 2022 FINANCIALLY DISTRESSED,
CITIES, VILLAGES, TOWNSHIPS (FDCVT) GRANT APPLICATION TO THE STATE
OF MICHIGAN DEPARTMENT OF TREASURY BY THE CITY OF HIGHLAND
PARK WATER DEPARTMENT**

Moved by Council Pro Tem Patrick
Supported by Councilmember McDonald

WHEREAS, the City of Highland Park is under an Administrative Consent Order (ACO) by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) formerly the MDEQ, effective July 28, 2017 regarding the existing water infrastructure; and

WHEREAS, the City of Highland Park previously received a Significant Deficiency Violation Notice from EGLE April 11, 2016 regarding the existing water infrastructure; and

WHEREAS, the City of Highland Park previously received a Lead and Copper Monitoring – Action Level (AL) Exceedance letter from EGLE on July 12, 2019 regarding the community water supply's 90th percentile value exceeding the action level for lead during the most recent round of lead and copper monitoring between June and September 2019; and

WHEREAS, the City of Highland Park, under the Michigan Safe Drinking Water Act, 1976 PA 399, as amended (Act 399) is required to perform water quality parameter monitoring, source water monitoring, document corrosion control treatment, and perform public education, as well as replace a designated number of lead service lines annually; and

BE IT RESOLVED, the City of Highland Park City Council approves the submittal of the 2022 Financially Distressed, Cities, Villages, and Townships (FDCVT) Grant Application to the State of Michigan Department of Treasury before January 18th, 2022 for the replacement of existing lead service lines. Yeas (5), Nays (0), Absent (0).

ADJOURNMENT

Moved by Councilmember Armstrong
Supported by Councilmember Bates

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 minutes of the Virtual Regular Meeting held the 20^h day of December 2021 and that said minutes are available for public inspection at the address designated on the posted public notice.



Cidia Wicker-Brown, Deputy City Clerk