

Regular Council Meeting of the City of Melvindale was held in the Council Chambers on Wednesday, October 5, 2022 at 7:30 p.m.

The meeting was called to order by Mayor Wheeler T. Marsee, Jr. and roll call was taken:

PRESENT COUNCIL MEMBERS: Jackson, Filipowski, Rauser, Frederick, Densmore, Cartrette

ALSO PRESENT: Linda Land, City Clerk; Michel Belch, Treasurer; Lawrence J Coogan, Corporation Counsel; Richard S. Ortiz, City Administrator/Finance Director; Lt. Robert Kennaley, Police Department, Laura Ridenour, Fire Department, Brad Burns, Chief Building Official; Larrie Ordus, DPW Director, Renee Cook, Arena Manager; Sandy Law, Senior Center.

Invocation – Pastor Cedric Robinson, Judah Tabernacle

22-10-227 Moved by Filipowski and supported by Densmore, to accept the resolution authorizing the issuance of notes in anticipation of operating taxes next succeeding fiscal year not to exceed Two Million Two Hundred Fifty Thousand Dollars (\$2,250,000.00).

**RESOLUTION AUTHORIZING ISSUANCE OF NOTES
IN ANTICIPATION OF OPERATING TAXES-
NEXT SUCCEEDING FISCAL YEAR**

**CITY OF MELVINDALE
COUNTY OF WAYNE, MICHIGAN**

Minutes of a regular meeting of the City Council of the City of Melvindale, County of Wayne, Michigan (the “City”), held on the 5th day of October, 2022, at 7:30 o’clock p.m., prevailing Eastern Time.

PRESENT: Members: _____

ABSENT: Members: _____

The following preamble and resolution were offered by Member _____
and supported by Member _____:

WHEREAS, it is hereby determined that it is necessary to borrow the sum of not to exceed

Two Million Two Hundred Fifty Thousand Dollars (\$2,250,000), in anticipation of the collection of the unpaid operating taxes for the next succeeding fiscal year of the City beginning January 1, 2023 (the “Operating Taxes”), which Operating Taxes are first due and payable on July 1, 2023, for the purpose of obtaining funds to meet operating expenses of the City; and

WHEREAS, Act No. 34 of the Public Acts of 2001, as amended (“Act 34”), authorizes the borrowing of money through the issuance of general obligation notes in anticipation of the collection of the unpaid Operating Taxes for the next succeeding fiscal year in an amount not to exceed fifty percent (50%) of the operating tax levy for the current fiscal year when the Operating Taxes for the next fiscal year are not as yet known; and

WHEREAS, the amount included for Operating Taxes in the budget for the fiscal year ending December 31, 2022 was \$ _____; and

WHEREAS, the City expects to receive an offer from Comerica Bank to purchase the general obligation notes.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City borrow for the above purpose the sum of not to exceed Two Million Two Hundred Fifty Thousand Dollars (\$2,250,000), issue the general obligation notes of the City (the “Notes”) in anticipation of the collection of the Operating Taxes for the fiscal year beginning January 1, 2023.

2. The Notes shall bear interest at a rate not to exceed 6% per annum, be dated as of the date of delivery, and be due and payable September 1, 2023, which is the estimated time of collection of a sufficient amount of the Operating Taxes for the fiscal year beginning January 1, 2023, to pay the Notes in full. The Notes shall be payable in lawful money of the United States of America at such bank or trust company in the State of Michigan qualified to act as paying agent

as shall be designated by the original purchaser. The Notes shall be in the denomination of \$100,000, or multiples or combinations of \$5,000 in excess thereof, as shall be designated by the original purchaser of the Notes.

3. Hereafter from the first collections of the Operating Taxes for the fiscal year beginning January 1, 2023, there shall be set aside in a separate depository account (the “Note Repayment Fund” or the “Fund”) a portion of each dollar which is not less than 125% of the percentage that the principal amount of the Notes bears to the amount of the Operating Taxes, to be used for the payment of the principal of and interest on the Notes and any other notes hereafter issued in anticipation of said taxes, and until the amount so set aside shall be sufficient for such payments, collections of the Operating Taxes shall be used for no other purpose. The right is reserved to issue additional notes of equal standing as to the Operating Taxes pledged for payment of the Notes with the Notes authorized by this resolution, subject to the limitations fixed by law.

4. The full faith and credit of the City is hereby irrevocably pledged for payment of principal of and interest on the Notes and in case of the insufficiency of the Operating Taxes pledged for the payment thereof, the City shall pay the Notes from any funds legally available therefor, and, if necessary, within applicable constitutional, charter and statutory limitations, levy sufficient taxes on all taxable property in the City for the payment thereof.

5. The Mayor and City Clerk of the City shall execute the Notes on behalf of the City, and the City’s seal or a facsimile thereof shall be imprinted or printed thereon, and the executed notes shall be delivered to the City Administrator/Finance Director of the City who shall deliver the Notes to the purchaser thereof upon the receipt of the purchase price therefor. Printed notes may be executed with facsimile signatures of the foregoing officers, in which case the Notes shall not be valid unless authenticated in a manner approved by the City Administrator/Finance

Director. The foregoing officers are hereby authorized to execute and deliver a temporary note or notes and exchange, when available, final printed notes therefor at the request of the original purchaser. The Notes may be issued in book-entry only form.

6. The City Council hereby declares that it has pursued a negotiated sale of the Notes because of the flexibility provided in adjusting the timing of the sale of the Notes and the terms of the Notes at the time of sale. The City Administrator/Finance Director is authorized to negotiate the sale of the Notes within the parameters authorized in this resolution.

7. The City Council hereby designates the Notes to be “qualified tax exempt obligations” within the meaning of the Internal Revenue Code of 1986, as amended (the “Code”).

8. Any of the following: City Administrator/Finance Director and City Clerk of the City, are each hereby authorized to adjust the final Note details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing are authorized to exercise the authority and make the determinations authorized pursuant to Section 315(1)(d) of Act 34, Public Acts of Michigan, 2001, as amended, including but not limited to, determinations regarding interest rates, prices, discounts, maturity date, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, and other matters, provided that the principal amount of the Note issued shall not exceed the principal amount authorized in this resolution, the interest rate per annum on the Bonds shall not exceed six percent (6%), and the Note shall mature in not more than one (1) annual installment.

9. The Mayor, City Clerk, and City Administrator/Finance Director of the City are each authorized to file any and all applications with the Michigan Department of Treasury so as to seek approval for the Notes and to file such other documents as may be required to secure such

approval, including any necessary waivers.

10. The City hereby covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest on the Notes from adjusted gross income for general federal income tax purposes under the Code, including, but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of note proceeds and moneys deemed to be note proceeds.

11. The representation of the City by Miller, Canfield, Paddock and Stone, P.L.C. as note counsel is hereby approved, notwithstanding Miller, Canfield's periodic representation of the potential parties to the transaction, including Comerica Bank, in unrelated matters.

12. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution be and the same hereby are rescinded.

AYES: Members: _____

NAYS: Members: _____

RESOLUTION DECLARED ADOPTED:

City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Melvindale, County of Wayne, State of Michigan, at a regular meeting held on October 5, 2022, and that said meeting was conducted and public notice of said meeting was given pursuant to and 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.

City Clerk

Passed Unanimously

22-10-228 Moved by Filipowski and supported by Densmore, to approve the Regular Council meeting minutes dated September 21, 2022 Regular Council meeting minutes.

Passed Unanimously

Audience Participation

22-10-229 Moved by Jackson and supported by Cartrette, to reimburse the Economic Development Corporation (EDC), \$2,430.00 for grass cutting services by the DPW.

Yeas: none

Nays: Jackson, Filipowski, Rauser, Frederick, Densmore, Cartrette

Motion Fails

22-10-230 Moved by Densmore and supported by Filipowski, to accept the Great Lakes Water Authority (GLWA) contract as presented.

Passed Unanimously

22-10-231 Moved by Filipowski and supported by Jackson, to waive the 7 (seven) day waiting period for resolution 22-10-230.

Passed Unanimously

22-10-232 Moved by Densmore and supported by Filipowski, to authorize Linda Land, City Clerk, to publish a Public Hearing Notice on October 9, 2022 for the Police and Fire Special Assessment.

Passed Unanimously

22-10-233 Moved by Cartrette and supported by Rauser, to waive the 7 (seven) day waiting period and further for resolution 22-10-232 to take immediate effect.

Passed Unanimously

22-10-234 Moved by Filipowski and supported by Cartrette, to close the Regular Council meeting and enter into closed session at 8:25 p.m. for contractual negotiations for AFSME and Dearborn jail services.

Passed Unanimously

22-10-235 Moved by Cartrette and supported by Filipowski, to reopen the Regular Council meeting at 8:59 p.m.

Passed Unanimously

22-10-236 Moved by Cartrette and supported by Filipowski, to adopt the proposed contractual changes for Dearborn jail services.

Passed Unanimously

22-10-237 Moved by Cartrette and supported by Frederick, to modify the city ordinance to allow 2 (two) chickens per household.

Yeas: Jackson

Nays: Filipowski, Rauser, Frederick, Densmore, Cartrette

Motions Fails

22-10-238 Moved by Filipowski and supported by Densmore, to amend resolution #87-282 to reflect the distribution of vacated alleys.

Passed Unanimously

22-10-239 Moved by Cartrette and supported by Rauser, to sell 18585 Allen Road to the Downtown Development Authority (DDA) for the price of \$17,366.24 (seventeen thousand three hundred sixty-six dollars and twenty-four cents).

Passed Unanimously

22-10-240 Moved by Cartrette and supported by Rauser, to remove Barbara Cagle from the Parks & Recreation commission due to lack of attendance.

Passed Unanimously

22-10-241 Moved by Filipowski and supported by Rauser, to accept the resignation of Tracy Powell, of the Parks & Recreation Commission effective immediately.

Passed Unanimously

Second Audience Participation

22-10-242 Moved by Filipowski and supported by Jackson, to receive and place on file the invoice and cover sheet and authorize the payment of approved invoices totaling \$467,549.56 and the electronic transfers totaling \$293,665.57.

Passed Unanimously

22-10-243 Moved by Cartrette and supported by Rauser, to adjourn at 9:35 p.m., no objections, so ordered

Passed Unanimously

Wheeler T. Marsee, Jr., Mayor

Linda Land, City Clerk