

Regular Council Meeting of the City of Melvindale was held in the office of Mayor Wheeler T. Marsee, Jr. in City Hall, 3100 Oakwood Blvd., on Wednesday, November 18, 2020 at 7:30 p.m. VIA ZOOM.

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

PRESENT COUNCIL MEMBERS: Jackson (zoomed in at 7:39 p.m. after roll call), Filipowski, Rauser (zoomed in at 7:33 p.m. after roll call), Frederick, Densmore, Cartrette

*NOTE: All council attended via ZOOM

ALSO PRESENT: Michel Belch, Treasurer (via ZOOM); Lawrence J. Coogan, Corporation Counsel; Richard S. Ortiz (via ZOOM), City Administrator/Finance Director; John Allen, Chief of Police (via ZOOM); Joseph Murray (via ZOOM), Fire Chief; Bradley Burns, Chief Building Official (via ZOOM), Susan Louvet, Interim Parks & Recreation Director (via ZOOM).

Presentations:

Bond Counsel – TANS
Cynthia Telfer – re: HUD Consolidated Plan

20-11-256 Moved by Filipowski and supported by Densmore, to accept the resolution authorizing the issuance tax anticipation notes for 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 18th day of November, 2020, at 7:30 o’clock p.m., prevailing Eastern Time.

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

ABSENT: None

The following preamble and resolution were offered by Filipowski and supported by Densmore:

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, 2021 (the “Operating Taxes”), which Operating Taxes are first due and payable on July 1, 2021, 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, 2020 was \$5,334,255; 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, 2021.
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, 2021, which is the estimated time of collection of a sufficient amount of the Operating Taxes for the fiscal year beginning January 1, 2021, 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, 2021, 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: Jackson, Filipowski, Rauser, Frederick, Densmore, Cartrette

NAYS: None

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 November 18, 2020, 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

20-11-257 Moved by Filipowski and supported by Rauser, to authorize the Mayor to sign the HUD-50077-SL, Certificate of Consistency with the Consolidated Plan for Melvindale Housing Commission's submission to HUD with their Annual Plan.

Passed Unanimously

20-11-258 Moved by Densmore and supported by Rauser, to approve the Regular Council meeting minutes dated November 4, 2020.

Passed Unanimously

Audience Participation

20-11-259 Moved by Filipowski and supported by Cartrette, to adopt directive 007, Organizational Communication for the Melvindale Police Department, as was adopted by the Public Safety Commission at their November 10, 2020 meeting

Passed Unanimously

20-11-260 Moved by Filipowski and supported by Jackson, to adopt directive 023, Training and Career Development for the Melvindale Police Department, as was adopted by the Public Safety Commission at their November 10, 2020 meeting

Passed Unanimously

20-11-261 Moved by Filipowski and supported by Rauser, to authorize the City Clerk to publish a Public Hearing Notice for November 22, 2020 for the 2021 budget.

Passed Unanimously

20-11-262 Moved by Cartrette and supported by Jackson, to waive the seven (7) day right of rescission and further that resolution 20-11-261 take immediate effect.

Passed Unanimously

20-11-263 Moved by Filipowski and supported by Rauser, to approve the Land Use USA Urban Strategies proposal and agreement in the amount of forty eight thousand dollars (\$48,000.00) for the completion of housing and retail market studies for the City of Melvindale and further the amount will be reimbursed to the City by the State of Michigan.

Passed Unanimously

20-11-264 Moved by Filipowski and supported by Rauser, to receive and place on file the October 2020 Treasurer's report.

Passed Unanimously

20-11-265 Moved by Filipowski and supported by Cartrette, to table the nomination of John Barnett, to the Local Board of Compensation, new term expires November 20, 2024.

Passed Unanimously

20-11-266 Moved by Cartrette and supported by Filipowski, to table the nomination of Diann Rink, to the Local Board of Compensation, new term expires November 19, 2025.

Passed Unanimously

20-11-267 Moved by Jackson and supported by Frederick, to table the nomination of Justin Pullum, to the Downtown Development Authority, new term expires November 20, 2024.

Passed Unanimously

20-11-268 Moved by Filipowski and supported by Cartrette, to table the reappointment of Judy Ohannasian, to the Aging Commission, new term expires November 15, 2023.

Passed Unanimously

20-11-269 Moved by Filipowski and supported by Cartrette, to table the reappointment of Michael Quint, to the Construction Board of Appeals (BOCA), new term expires November 19, 2025.

Passed Unanimously

20-11-270 Moved by Filipowski and supported by Rauser, to table the reappointment of Dennis Krestel, to the Construction Board of Appeals (BOCA), new term expires November 19, 2025.

Passed Unanimously

20-11-271 Moved by Filipowski and supported by Rauser, to table the reappointment of Colonial Heating and Cooling, to the Construction Board of Appeals (BOCA), new term expires November 20, 2024.

Passed Unanimously

20-11-272 Moved by Filipowski and supported by Rauser, to table the reappointment of Barbara Keahl, to the Board of Review, new term expires November 15, 2023.

Passed Unanimously

20-11-273 Moved by Filipowski and supported by Jackson, to table the reappointment of Hector Cotto, to the Housing Commission, new term expires November 19, 2025.

Passed Unanimously

20-11-274 Moved by Filipowski and supported by Jackson, to table the reappointment of Paul Brown, to the Planning Commission, new term expires November 15, 2023.

Passed Unanimously

20-11-275 Moved by Filipowski and supported by Jackson, to table the reappointment of Craig Janofski, to the Planning Commission, new term expires November 15, 2023.

Passed Unanimously

20-11-276 Moved by Filipowski and supported by Cartrette, to table the reappointment of Kevin McIsaac, to the Public Safety Commission, new term expires November 19, 2025.

Passed Unanimously

20-11-277 Moved by Filipowski and supported by Rauser, to table the reappointment of John Barnett, to the Zoning Board of Appeals (ZBA), new term expires November 15, 2023.

Passed Unanimously

Second Audience Participation

20-11-278 Moved by Filipowski and supported by Jackson, to receive and place on file the invoice and cover sheet and to authorize the payment of the approved invoices totaling \$644,205.30 and the electronic transfers totaling \$6,389.47.

Passed Unanimously

20-11-279 Moved by Filipowski and supported by Cartrette, to adjourn at 8:19 p.m., no objections, so ordered.

Passed Unanimously

Wheeler T. Marsee, Jr., Mayor

Cecilia S. Dally, Deputy City Clerk

