

Regular Council Meeting of the City of Melvindale was held in the Council Chambers on Wednesday, October 18, 2023 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, Rauser, Frederick, Densmore, Cartrette

ALSO PRESENT: Linda Land, City Clerk; Michel Belch, Treasurer; Richard S. Ortiz, City Administrator/Finance Director; Lawrence J. Coogan, Corporation Counsel; Dan Jones, Chief of Police; Laura Ridenour, Fire Marshall; Larrie Ordus, DPW Director; Renee Cook, Arena Manager; Sandy Law, Senior Center

Councilman Stan Filipowski was absent and excused.

A moment of silence was offered for Tom Torres, retiree from the DPW department.
A moment of silence was offered for Carlene Molasky widow of the late Frank Molasky.

Presentation: Steve Frank - Miller, Canfield re: TANS

23-10-207 Moved by Jackson and supported by Rauser, to accept the resolution authorizing the issuance of notes in anticipation of operating taxes next succeeding fiscal year not to exceed one million five hundred thousand (\$1,500,000.00).

**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 October, 2023, at 7:30 o'clock p.m., prevailing Eastern Time.

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

ABSENT: Members: none

The following preamble and resolution were offered by Member Jackson and supported by Member Rauser:

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

One Million Five Hundred Thousand Dollars (\$1,500,000), in anticipation of the collection of the unpaid operating taxes for the next succeeding fiscal year of the City beginning January 1, 2024 (the “Operating Taxes”), which Operating Taxes are first due and payable on July 1, 2024, 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, 2023 was \$7,322,627; 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 One Million Five Hundred Thousand Dollars (\$1,500,000), 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, 2024.

2. The Notes shall bear interest at a rate not to exceed 6.5% per annum, be dated as of the date of delivery, and be due and payable September 1, 2024, which is the estimated time of collection of a sufficient amount of the Operating Taxes for the fiscal year beginning January 1, 2024, 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, 2024, 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 and one-half percent (6.5%), 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: Jackson, Rauser, Frederick, Densmore, Cartrette

NAYS: Members: 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 October 18, 2023, 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

23-10-208 Moved by Densmore and supported by Rauser, to approve the Regular Council meeting minutes dated October 4, 2023

Passed Unanimously

23-10-209 Moved by Cartrette and supported by Rauser, to remove from table and confirm the appointment of Karen Frederick, to the Parks & Recreation commission, new term expires, November 19, 2023.

Yeas: Jackson, Rauser, Densmore, Cartrette

Nays: none

Abstain: Frederick

Motion Passes

23-10-210 Moved by Rauser and supported by Cartrette, to remove from table and confirm the appointment of Jacki Mick, to the Historical Commission, new term expires, November 17, 2027.

Passed Unanimously

23-10-211 Moved by Jackson and supported by Rauser, to correct the expiration date of the term for Karen Frederick, to the Parks & Recreation commission, new term expires November 19, 2025.

Yeas: Jackson, Rauser, Densmore, Cartrette

Nays: none

Abstain: Frederick

Motion Passes

Audience Participation

23-10-212 Moved by Cartrette and supported by Rauser, to close the Regular Council meeting at 7:40 p.m. for the Police and Fire Special Assessment.

Passed Unanimously

23-10-213 Moved by Cartrette and supported by Jackson, to open the Public Hearing for the Police and Fire Special Assessment at 7:41 p.m.

Passed Unanimously

23-10-214 Moved by Rauser and supported by Cartrette, to close the Public Hearing for the Police and Fire Special Assessment at 7:45 p.m. and further 3 (three) calls were offered for public comment, seeing none the meeting was closed.

Passed Unanimously

23-10-215 Moved by Rauser and supported by Cartrette, to reopen the Regular Council meeting at 7:46 p.m.

Passed Unanimously

23-10-216 Moved by Rauser and supported by Jackson, to adopt the proposed 2024 Police and Fire Special Assessment resolution:

Whereas, the Common Council for the City of Melvindale is levying the Special 2024 Assessment to maintain the current level of Police and Fire Protection for the protection and wellbeing of its citizens as permitted by MCLA 41.801 et seq; and,

Whereas, the City Clerk published a Notice of Public Hearing regarding the estimate of the expenses for Police and Fire protection, the amount of the Special Assessment levied for such Police and Fire protection and for the distribution of the Special Assessment levy in the News Herald Newspaper; and,

Whereas, a Public Hearing was held on October 18, 2023 at 7:30 p.m. before the Common Council for the City of Melvindale where citizens were given the opportunity to state their comments and objections to the estimate of the expenses for Police and Fire protection, the amount of the Special Assessment levied for such Police and Fire protection and for the distribution of the Special Assessment levy; and,

Now, THEREFORE, BE IT RESOLVED by the Common Council for the City of Melvindale that:

1. It is estimated that the cost and expenses of Police and Fire protection, exclusive of healthcare and pension is **\$4,182,702**; and
2. The amount of the Special Assessment shall be 10 Mills which is estimated to generate **\$1,958,266**; and

3. The City Administrator or his designee shall spread the assessment on the taxable value of all property in the City of Melvindale except lands exempt from collection of taxes under the general property tax act.

Passed Unanimously

23-10-217 Moved by Cartrette and supported by Rauser, to temporarily change the curfew on Angel's night (10/30/2023) and Halloween (10/31/2023), per ordinance 15-133, from 8:00 p.m. to 7:00 a.m. for anyone under the age of 18 that is unaccompanied by an adult.

Passed Unanimously

23-10-218 Moved by Frederick and supported by Cartrette, to table Public Safety resolution 23-10-03.

Passed Unanimously

23-10-219 Moved by Cartrette and supported by Rauser, to enter into closed session at 8:02 p.m. regarding pending litigation.

Passed Unanimously

23-10-220 Moved by Cartrette and supported by Rauser, to reopen the Regular Council meeting at 8:09 p.m.

Passed Unanimously

23-10-221 Moved by Cartrette and supported by Rauser, to continue to retain the services of Attorney Brian A. Catrinar of Collins, Einhorn, Farrell.

Passed Unanimously

23-10-222 Moved by Cartrette and supported by Rauser, to receive and place and file the September 2023 Treasurer's report.

Passed Unanimously

23-10-223 Moved by Cartrette and supported by Rauser, to approve the request of Linda Land, City Clerk, to use Council Chambers as a voting site during the 9 (nine) days of early voting for all 5 (five) precincts from 8:30 a.m. – 4:30 p.m. beginning next year with the Presidential Primary.

Passed Unanimously

Second Audience Participation

23-10-224 Moved by Rauser and supported by Jackson, to receive and place on file the invoice and cover sheet and to authorize the payment of approved invoices totaling \$1,742,806.90 and the electronic transfers in the amount of \$2,355.43.

Passed Unanimously

23-10-225 Moved by Jackson and supported by Cartrette, to adjourn at 8:44 p.m., no objections, so ordered.

Passed Unanimously

Mayor Wheeler T. Marsee, Jr.

Linda Land, City Clerk