

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, JANUARY 18, 2010, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:30 p.m. by Mayor Novitke.

Roll Call: Mayor Novitke  
Council members: Boddy, Bryant, Granger, Howle, McConaghy, Sucher  
Absent: None

Also Present: City Administrator Wollenweber  
City Treasurer/Comptroller Irby  
City Attorney Berschback  
City Clerk Hathaway  
Director of Public Works Ahee  
City Engineer Lockwood  
Building Official Tutag  
Bond Counsel Keim  
Financial Advisor Gormely

The following Commission Members were in attendance:

George McMullen, Board of Review  
Mason Ferry, Historical Commission  
Mary Kay Ferry, Historical Commission  
John Parthum, Historical Commission  
Harkenrider, Historical Commission  
Ross Richardson, Planning Commission  
Lee Allcut, Board of Canvassers

Also in attendance was Alfred Fincham.

Motion by Howle, seconded by Bryant, that all items on tonight's agenda be received, placed on file, and taken in order of appearance.

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher  
No: None  
Absent: None

Motion by Granger, seconded by McConaghy, that City Council confirm the City Administrator's **appointment of Alfred "Skip" Fincham as the Director of Public Safety**, effective Monday, January 25, 2010.

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher

No: None

Absent: None

The City Clerk administered the Oath of Office to the newly appointed Director of Public Safety, Alfred Fincham.

Motion by McConaghy, seconded by Granger, regarding **Lake Front Park Activities Building Winter Hours**, that the City Council adopt the current hours of operation, 8 a.m. to 9 p.m., for the Lake Front Park Activities Building Winter Hours (November 1 to May 1.)

Motion by McConaghy, seconded by Granger, to amend the prior motion regarding Lake Front Park Activities Building Winter Hours, by adding, ". . . and that this item be sent to the Committee-of-the-Whole, and directed administration to provide a detailed study of park attendance during winter hours and usage in the mornings and evenings."

Hearing no objections, the following individuals were heard:

Chris Cassidy  
1825 Hampton

Steve Hamilton  
19766 E. Ida Lane

James Oleksinski  
738 Briarcliff

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher

No: None

Absent: None

A member of the Recreation Commission was requested to be in attendance at the Committee-of-the-Whole Meeting.

The Chair declared a recess at 8:21 p.m., and reconvened at 8:36 p.m.

Motion by Howle, seconded by Bryant, regarding **Grosse Pointe Questers Donation – Cook School House**, that the City Council authorize the Historical Commission to raise \$2,400.00 by donations, fund raising, and/or in-kind work by city departments to match a \$2,400.00 challenge grant from the Grosse Pointe Questers to the Grosse Pointe Woods Foundation for the Cook School House project, specifically for repair/restoration of the wood floors.

The following individuals were heard:

Lisa Gandelot  
Questers Chapter, Grosse Pointe #147  
Co-Chair Preservation Projects  
402 Lexington  
Grosse Pointe Farms, MI

Historical Commissioner Mason Ferry  
500 Saddle Lane

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher  
No: None  
Absent: None

Motion by Bryant, seconded by Granger, regarding **2010 Application for Permit/License – Vendor/Solicitor/Peddler**, that the Council approve the application of the following vendor (door-to-door):

Zahan P. Patel  
844 Blairmoor Ct.  
Grosse Pointe Woods, MI 48236

The following individual was heard:

Thomas Fahrner  
902 Woods Lane

Motion carried by the following vote:

Yes: Bryant, Granger, McConaghy, Novitke, Sucher  
No: Boddy, Howle  
Absent: None

Motion by Sucher, seconded by Howle, regarding the **Financial Report** of the City Administrator for the month of **December 2009** be referred to the Finance Committee for review.

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher  
No: None  
Absent: None

Motion by Bryant, seconded by Granger, regarding **2010 Application for Permit/License – Vendor/Solicitor/Peddler**, that the Council approve the application of the following vendor:

Joel Fields  
21180 Woodmont  
Harper Woods, MI 48225

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, McConaghy, Novitke, Sucher  
No: Howle  
Absent: None

Motion by Granger, seconded by McConaghy, regarding **Resolution Authorizing Issuance of Bond Anticipation Notes (BANs) – Reservoir Project**, that the City Council adopt the proposed resolution in an amount not to exceed \$1,000,000.00, as follows:

RESOLUTION AUTHORIZING ISSUANCE  
OF BOND ANTICIPATION NOTES  
(RESERVOIR PROJECT)

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NOW, THEREFORE, BE IT RESOLVED THAT:

1. Necessity for Notes; Authorization of Notes; Note Terms. The Council declares that it is necessary for the City to issue its bond anticipation notes in anticipation of the issuance of the Bonds in order to pay for some of the costs of the Project and to reimburse the City for expenditures made with respect to the Project prior to issuance of the bond anticipation notes.

Notes of the City designated 2010 GENERAL OBLIGATION LIMITED TAX NOTES (the "Note" or the "Notes") are authorized to be issued in the aggregate principal sum of not to exceed One Million Dollars (\$1,000,000) in anticipation of the issuance of the Bonds, including the costs incidental to the issuance, sale and delivery of the Notes. The Notes shall be issued in fully-registered form in the denomination of \$100,000 or integral multiple thereof and shall be dated as of the date of delivery thereof. The Notes shall not be convertible or exchangeable into any fully-registered note of a denomination less than \$100,000.

The Notes shall be payable on April 14, 2010, or such other date as determined by the City Administrator or the City Treasurer at the time of sale, but in no event to exceed three years from the date of issuance of the Notes (the "Payment Date"). The Notes shall bear interest for the date of delivery at an interest rate not to exceed 2.50% per annum as finally determined by either of the City Administrator or the City Treasurer at the time of sale of the Notes as further provided in Section 7 of this resolution. Interest on the Notes shall be payable on the Payment Date to the registered owners of record as of the fifteenth (15th) day prior to the Payment Date. The principal of the Notes shall be payable on the Payment Date upon presentation and surrender to the Paying Agent (as hereafter defined).

The Notes shall be sold in the manner set forth in Section 7 of this resolution.

The Notes shall not be subject to prepayment prior to maturity.

2. Execution of Notes. The Notes shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and the City Clerk and shall have the seal of the City, or a facsimile thereof, impressed or printed on the Notes. No Note executed with the facsimile signatures of the Mayor and the City Clerk shall be valid until authenticated by an authorized officer or representative of the Paying Agent. The Notes shall be delivered to the Paying Agent for authentication and be delivered by the Paying Agent to the purchaser or other person in accordance with instructions from the City Administrator or the City Treasurer upon payment of the purchase price for the Notes.

3. Payment of Notes; Paying Agent; Transfer of Notes. Principal of and interest on the Notes shall be payable in lawful money of the United States of America by check, draft or electronic transfer by the City Treasurer to the Paying Agent or the registered owner of the Notes at the address shown on the registration books of the City kept by the City's Treasurer or by the Paying Agent if a Paying Agent is appointed by the City.

The Notes shall be issued in book-entry only form through The Depository Trust Company in New York, New York ("DTC") and the City Administrator and the City Treasurer are each authorized

to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of the Notes in book-entry only form and to make such changes in the note form within the parameters of this resolution as may be required to accomplish the foregoing.

The Bank of New York Mellon Trust Company, N.A., is appointed as registrar, paying agent and transfer agent (the "Paying Agent") for this issue of the Notes. The City reserves the right to replace the Paying Agent at any time upon written notice to the registered owners of record of the Notes not less than sixty (60) days prior to an interest payment date.

The Paying Agent shall keep the books of registration for this issue on behalf of the City. Any Note may be transferred upon such registration books by the registered owner of record, in person or by the registered owner's duly authorized attorney, upon surrender of the Note for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Paying Agent. Whenever any Note or Notes shall be surrendered for transfer, the City shall execute and the Paying Agent shall authenticate and deliver a new Note or Notes, for like aggregate principal amount; provided, however, that any Note or Notes thus transferred must each continue to be in a denomination not less than \$100,000. The Paying Agent shall require the payment by the noteholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.

4. Security for the Notes; Limited Tax Pledge; Debt Retirement Fund; Defeasance of Notes. The City hereby pledges the proceeds of the Bonds for prompt payment of the principal of and interest on the Notes. As additional security for the Notes, principal and interest, the City hereby pledges its limited tax full faith and credit for the prompt payment of the Notes, and the City shall budget each year the amount of the debt service coming due in the next fiscal year on the principal of and interest on the Notes and shall advance as a first budget obligation from its general funds available therefore, or, if necessary, levy taxes upon all taxable property in the City in the amount necessary to pay such debt service in said fiscal year, subject to applicable constitutional, statutory and charter tax rate limitations.

The City Treasurer or designee is authorized and directed to open a depository account with a Michigan bank or trust company or to create an account on the books of the City to be designated 2010 GENERAL OBLIGATION LIMITED TAX NOTES (RESERVOIR PROJECT) DEBT RETIREMENT FUND (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Notes as they mature.

In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional redemption, the principal of, premium, if any, and interest on the Notes, shall be deposited in trust, this resolution shall be defeased and the owners of the Notes shall have no further rights under this resolution except to receive payment of the principal of, premium, if any, and interest on the Notes from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Notes as provided herein.

5. Construction Fund; Proceeds of Note Sale. The City Treasurer or designee is authorized and directed to open a separate depository account with a Michigan bank or trust company or to create an account on the books of the City to be designated 2010 RESERVOIR PROJECT BOND CONSTRUCTION ACCOUNT (the "Construction Account") and deposit into the Construction Account the proceeds of the Notes. The moneys in the Construction Account shall be used solely to pay the costs of the Project and the costs of issuance of the Notes.

6. Note Form. The Notes shall be in substantially the following form with such changes as are necessary to conform the Notes to the terms established at the time of sale of the Notes:

Registered  
UNITED STATES OF AMERICA  
STATE OF MICHIGAN  
COUNTY OF WAYNE

CITY OF GROSSE POINTE WOODS

2010 GENERAL OBLIGATION LIMITED TAX NOTE

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
%			

Registered Owner: Cede & CO.

Principal Amount: \_\_\_\_\_ Dollars

The CITY OF GROSSE POINTE WOODS, County of Wayne, State of Michigan (the "City"), acknowledges itself to owe and for value received hereby promises to pay to the Registered Owner specified above, or registered assign, the Principal Amount specified, in lawful money of the United States of America, on the Maturity Date specified above, with interest thereon (computed on the basis of a 360-day year for the actual days elapsed) from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, payable on \_\_\_\_\_ 2010. Principal of this note is payable at the corporate trust office of \_\_\_\_\_, \_\_\_\_\_, Michigan, or such other paying agent as the City may hereafter designate by notice mailed to the Registered Owner not less than sixty (60) days prior to the interest payment date (the "Paying Agent"). Interest on this note is payable to the registered owner of record as of the fifteenth (15th) day of the month preceding the interest payment date as shown on the registration books of the City kept by the Paying Agent by check or draft mailed to the registered owner of record at the registered address. For prompt payment of this note, both principal and interest, the limited tax full faith, credit and resources of the City are hereby irrevocably pledged.

This note is part of an issue aggregating the principal sum of \$1,000,000, issued for the purpose of paying part of the cost of acquiring, constructing, improving, equipping and reequipping improvements to the water supply system of the City including without limitation a new water storage facility and related pumps, housing, piping, valves and meters, supervisory control and data acquisition system, site security provisions, transmission and distribution lines and related pumps, piping, valves and meters (together, the "Project"). This note is issued under the provisions of Act 34, Public Acts of Michigan, 2001, as amended, and a duly adopted resolution of the City.



This note is not subject to prepayment prior to maturity.

This note is transferable only upon the registration books of the City kept by the Paying Agent by the registered owner of record in person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this note together with a written instrument of transfer satisfactory to the Paying Agent duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered note or notes in the same aggregate principal amount (but in no event in a denomination less than \$100,000) and of the same maturity shall be issued to the transferee in exchange therefore as provided in the resolution authorizing this note and upon the payment of the charges, if any, therein prescribed.

This note, including the interest thereon, is payable from the proceeds of bonds to be issued by the City to pay the costs of the Project and to retire the notes of this issue. This note, including the interest thereon, is also payable as a first budget obligation from the general funds of the City, including, if necessary, the levy of ad valorem taxes on all taxable property in the City for the payment thereof, subject to applicable constitutional, statutory and charter tax rate limitations.

It is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this note and the series of notes of which this is one, exist and have been done and performed in regular and due form and time as required by law, and that the total indebtedness of the City, including this note, does not exceed any constitutional, statutory or charter debt limitation.

This note is not valid or obligatory for any purpose until the Paying Agent's Certificate of Authentication on this note has been executed by the Paying Agent.

IN WITNESS WHEREOF, the CITY OF GROSSE POINTE WOODS, by its City Council, has caused this note to be signed in the name of the City by the [manual/facsimile] signatures of the Mayor and the City Clerk and [a facsimile of] its corporate seal to be [affixed/printed] hereon, all as of \_\_\_\_\_.

CITY OF GROSSE POINTE WOODS  
County of Wayne  
State of Michigan

By \_\_\_\_\_[facsimile]\_\_\_\_\_  
Mayor

(SEAL)

By \_\_\_\_\_[facsimile]\_\_\_\_\_  
City Clerk

[FORM OF PAYING AGENT'S CERTIFICATE OF AUTHENTICATION]

Certificate of Authentication

This note is one of the notes described in the within-mentioned resolution.

The Bank of New York Mellon Trust  
Company, N.A  
as Paying Agent

By\_\_\_\_\_

—  
Its Authorized Signatory

Date of Authentication \_\_\_\_\_

7. Negotiated Sale; Approval of Offer. Pursuant to Section 309(1) of Act 34, the Council determines to sell the Notes at a negotiated sale at a price not less than 100% of the principal amount thereof. The City hereby determines that a negotiated sale of the Notes will enable the City to accommodate the schedule for delivery of bonds to be issued in connection with the Drinking Water Revolving Fund program of the State of Michigan.

The City Administrator and the City Treasurer are each individually authorized and directed to request and receive proposals directly or through the City's financial advisor, Mesirow Financial, Inc., for the purchase of the Notes. The City Administrator and the City Treasurer are each individually authorized and directed to accept the proposal that conforms to the terms of this resolution and produces the lowest interest cost to the City, and to execute and deliver to the successful purchaser a certificate or order that sets forth the final interest rate on the Notes and accepts the proposal.

8. Useful Life of Project. The estimated period of usefulness of the Project is hereby declared to be not less than twenty (20) years.

9. Tax Covenant; Qualified Tax Exempt Obligations. The City shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Notes from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditures and investment of Note proceeds and moneys deemed to be Note proceeds. The City hereby designates the Notes as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to the Code.

10. Authorization of Other Actions. The City Administrator and the City Treasurer are each individually authorized to file such applications or other documents with the Michigan Department of Treasury or other parties as may be necessary or advisable to effectuate the sale and delivery of the Notes, including an application for prior approval in accordance with Section 303(7) of Act 34. The Mayor, the City Administrator, the City Clerk and the City Treasurer are each authorized and directed to take all other actions necessary or advisable to enable the sale and delivery of the Notes as contemplated herein.

11. Rescission. 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

Approved as to form:

\_\_\_\_\_  
Miller, Canfield, Paddock and Stone, P.L.C.

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Grosse Pointe Woods, County of Wayne, State of Michigan, at a regular meeting held on January 18, 2010, 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.

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City Clerk

And, to authorize the Mayor and City Clerk to sign said Resolution.

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher  
No: None  
Absent: None

Motion by Granger, seconded by Boddy, regarding **Software Invoice**, that the City Council approve payment of the following invoice:

1. Civic Systems 12/28/09 – Invoice CVC5834 - \$5,229.00

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher  
No: None  
Absent: None

Under New Business, and hearing no objections, the following items were discussed:

Motion by Granger, seconded by Howle, regarding **University Liggett – Request for Delegation of School Inspection Authority to a Local Unit of Government Enforcing Agency** (Michigan Dept. of Energy, Labor & Economic Growth/Bureau of Construction Codes), that the City Council authorize the Mayor to sign this request.

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher  
No: None  
Absent: None

Motion by Granger, seconded by Bryant, regarding **HB 5558 - Natural resources and environmental protection act**, that the City Council authorize a suitable resolution in opposition to HB 5558, and to share in the cost of the lobbyist through the Grosse Pointe Refuse Disposal Authority, contingent upon the approval of all other member cities, at a total cost not to exceed \$10,000.00.

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher

No: None

Absent: None

Motion by Bryant, seconded by Boddy, to adjourn tonight's meeting at 9:39 p.m.  
PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway  
City Clerk