

REGULAR MEETING OF THE COUNCIL
OF THE
CITY OF DEARBORN

January 29, 2013

The Council convened at 7:32 P.M., President of the Council Thomas P. Tafelski presiding. Present at roll call were Councilmembers Bazzy, O'Donnell, Shooshanian and Council President Tafelski; absent, Abraham, Hubbard and Sareini. A quorum being present, the Council was declared in session.

Pastor Mark Walker of the Word of Faith Fellowship Church delivered the invocation.

Councilmember Abraham entered the City Council Chambers at 7:33 P.M.

By Shooshanian supported by Tafelski.

1-35-13. RESOLVED: That the minutes of the previous regular and special closed meetings of January 15, 2013, and the same are hereby approved as recorded and published.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, O'Donnell, Shooshanian and Tafelski (5). Nays: None. Absent: Hubbard and Sareini (2).

Councilmember Hubbard entered the City Council Chambers at 7:35 P.M.

By Shooshanian supported by Hubbard.

1-36-13. RESOLVED: That Ordinance No. 13-1381 be taken from the table and placed upon its final reading.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

The Clerk then read Ordinance No. 13-1381, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the following Parcels: 82-09-281-11-001 through 82-09-281-11-05, located east of S. Telegraph Road between Lloyd Court and Oxford from a Business B (Community Business District) to a Business C (General Business District) zoning classification.

The President of the Council announced that this was the final reading of the Ordinance.

The President of the Council then put the question, "Shall this Ordinance pass?"

1-36-13. Upon roll call the Ordinance was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

Councilmember Hubbard introduced Ordinance No. 13-1382, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the north 21 feet of Lot 510 except the east 15 feet of the north 21 feet of Lot 510, Frischkorns' Columbus Park Subdivision, from a Residential A (One Family Residential District) to a VP (Vehicular Parking District) zoning classification.

The Clerk read the Ordinance by title.

The President of the Council announced that this was the first reading of the Ordinance.

By Abraham supported by Shooshanian.

1-37-13. RESOLVED: That proposed Ordinance No. 13-1382 be laid on the table.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

Councilmember Hubbard introduced Ordinance No. 13-1383, entitled, "An Ordinance to Amend the Animals Chapter (Chapter 4) of the Code of the City of Dearborn by Amending Section 4-1, entitled 'Keeping of Animals - Permit Required'."

The Clerk read the Ordinance by title.

The President of the Council announced that this was the first reading of the Ordinance.

By Shooshanian supported by Abraham.

1-38-13. RESOLVED: That proposed Ordinance No. 13-1383 be laid on the table.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

Councilmember Hubbard introduced Ordinance No. 13-1384, entitled, "An Ordinance to Amend the City of Dearborn Employees Retirement System (Chapter 22)."

The Clerk read the Ordinance by title.

The President of the Council announced that this was the first reading of the Ordinance.

By Shooshanian supported by Abraham.

1-39-13. RESOLVED: That proposed Ordinance No. 13-1384 be laid on the table.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

By Shooshanian supported by Hubbard.

1-40-13. RESOLVED: That all bids received for Tactical Body Armor for the Police Department are hereby rejected except the bid of Pro-Tech Sales in the total amount of \$51,500, that the aforementioned bid is hereby accepted, that the Mayor is hereby authorized to execute a formal contract upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the bid have been fully complied with; be it further

RESOLVED: That this procurement will be funded by a grant provided by the 2010 Buffer Zone Protection Program, which was previously recognized and appropriated by Council Resolution 11-671-10 and shall be recorded in the General Capital Improvement, Police, Operating Supplies, Fund and assigned Project K22210; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

By Shooshanian supported by Hubbard.

1-41-13. WHEREAS: The City of Dearborn wishes to construct CSO 004 Storm Sewer Separation Project, Phase 2, within the area bounded by Telegraph Road, Cherry Hill, Wilson and N. Martha, City of Dearborn Job # 11-11-066, Capital Project N95211, MDEQ SRF Project No 5503-2, and

WHEREAS: The Sewer Separation project, included in the CSO Project Plan which was presented at a Public Hearing held on June 21, 2011 then formally adopted by Council on June 27, 2011 (CR 6-355-11), will be partially funded through Michigan's State Revolving Fund Program, and

WHEREAS: The City of Dearborn has sought and received construction bids for the proposed improvements and has received a low bid in the amount of \$13,140,000.18 from Lakeshore Toltest Corporation, and

WHEREAS: The City Engineer, Mohmedyunus I. Patel, has recommended awarding the contract to the low bidder, and

WHEREAS: The City Engineer is requesting a contingency in the amount of \$500,000 to provide for any unforeseen conditions encountered and for estimated variances in line-item quantities during the execution of the project; now therefore be it

RESOLVED: That the City of Dearborn tentatively awards the contract for construction of the proposed CSO 004 Storm Sewer Separation project, Phase 2 to Lakeshore Toltest Corporation, contingent upon successful financial arrangements with the State Revolving Fund Program; be it further

RESOLVED: That a contingency in the amount of \$500,000 is approved to provide for any unforeseen conditions encountered and for estimated variances in line-item quantities during the execution of the project, be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

By Shooshanian supported by Abraham.

1-42-13. RESOLVED: That Change Order No. 1 with Terra Contracting, LLC, which provides for Cleaning and Video Inspection of Sewers Contract 2012, Job No. 2012-059, CIP # Q 60713 and Q 60813, in the amount of \$35,000, bringing the total contract amount to \$141,045.54, is hereby approved; be it further

RESOLVED: That the City Engineer be authorized to execute it on behalf of the City; be it further

RESOLVED: That this Change Order shall be recorded in the Street Fund Projects Q 60713 and Q 60813; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

By Abraham supported by Hubbard.

1-43-13. WHEREAS: The City of Dearborn Treasury Division reported \$425,155.20 in delinquent miscellaneous and special assessment billings as of December 31, 2012, and

WHEREAS: In accordance with City Charter, the Treasury Division certifies that the amounts are due the City for the several services affecting private property as follows:

Weed Cuttings	\$177,129.00
Nuisance Abatements	27,711.25
Annual Inspections	45,781.00
Annual Inspections - ECD	8,360.00
Fire Inspections	1,650.00
Sales Agreements	2,125.00
Annual Monitoring	1,000.00
Special Pickup	7,775.00
Trees	5,800.00
Sidewalk Bills	6,601.84
Secure/Board-Up Building	10,183.59
Demo/Demo Related Bills	34,310.00
False Alarm Bills	5,740.00
Fire False Alarm Bills	100.00
Sewer	47,798.83
General Fund Interest	15,444.64
SD859	27,195.07
<u>SD869</u>	<u>449.98</u>
Total	\$425,155.20

and

WHEREAS: The City of Dearborn Treasury Division requests that these miscellaneous receivable and special assessment items spread on the 2012 Miscellaneous Receivable Assessment Roll as supported by the subsidiary Accounts Receivable Systems; therefore be it

RESOLVED: That this Council does hereby confirm and approve the Consolidated Miscellaneous Roll for 2012 for the several services affecting private property in the approximate amount of \$425,155.20 plus 25% per Council Resolution 11-1102-02; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

By Hubbard supported by Abraham.

1-44-13. RESOLVED: That City Council hereby authorizes the Mayor to renew the City's membership with the Urban Sustainability Directors Network (USDN) in the amount of \$192.00 for the period of January 1, 2013 through December 31, 2013; be it further

RESOLVED: That this membership shall be financed from the 2013 Fiscal Year City-wide Account (Account #101-1299-421.65-00); be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

By Abraham supported by Shooshanian.

1-45-13. WHEREAS: The Dearborn Police Investigative Division has applied for and received federal grant funding from the Target Corporation in the amount of \$1,000.00, and

WHEREAS: The Chief of Police has requested that the Finance Director be authorized to recognize the grant revenue in the amount of \$1,000.00 and appropriate a like amount; be it

RESOLVED: That City Council does hereby authorize the Finance Director to recognize revenue and appropriate expenditures in the amount of \$1,000.00 in the General Fund, Police Department Budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

By Shooshanian supported by Abraham.

1-46-13. WHEREAS: The City Engineer has presented to City Council for approval the Intergovernmental Agreement between Wayne County and the City of Dearborn for Pavement Reconstruction and Water Main Installation in Wyoming Avenue under Southern Street Bridge, and

WHEREAS: The Pavement Reconstruction of the project is 80% federally funded with a 20% local match to be paid for equally by Wayne County and the City of Dearborn. The City's share for this part is estimated at \$126,940, and

WHEREAS: The Cost of the Water Main Installation will be fully paid for by the City, the cost of which is estimated at \$196,995, and

WHEREAS: The City is required to provide a Working Capital Advance to the County of Wayne in the amount of \$161,968 as fifty percent (50%) of the City of Dearborn's participation of the total project cost upon execution of the Intergovernmental Agreement, and

WHEREAS: The City Engineer has requested the Mayor be authorized to execute this Intergovernmental Agreement on behalf of the City, subject to a review by Corporation Counsel and that the Finance Director be authorized to establish Capital Improvement Project Q61313 with a budget of \$365,000 which includes funding for in-house Engineering charges; be it

RESOLVED: That City Council hereby approves the Intergovernmental Agreement with Wayne County in the amount of \$323,935 for Pavement Reconstruction and Water Main Installation in Wyoming Avenue under Southern Street Bridge, Job #2012-063, CIP Q61313; be it further

RESOLVED: That City Council hereby authorizes the Mayor to execute the Agreement on behalf of the City, subject to a review by Corporation Counsel and authorizes the Finance Director to establish Capital Improvement Project Q61313 with a budget of \$365,000 which includes funding for in-house Engineering charges; be it further

RESOLVED: This project will be funded by the Major Street and Water Funds; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

By Hubbard supported by Shooshanian.

1-47-13. WHEREAS: The City Engineer has presented to City Council a water main easement agreement from Art Van Furniture for the new 8" diameter water main constructed to City standards, under City inspection and now in service for the Art Van Furniture Store located in the Fairlane Meadows Shopping Center, Dearborn Job No. 96-03-069 for the construction and maintenance of a public water main, and

WHEREAS: The City Engineer has requested authorization to accept the water main easement on behalf of the City, subject to the approval of Corporation Counsel and to record the necessary documents with the Wayne County Register of Deeds; be it

RESOLVED: That City Council hereby authorizes the City Engineer to accept the Water Main Easement Agreement from Art Van Furniture, for the new 8" diameter water main constructed to City standards, under City inspection and now in service for the Art Van Furniture Store located in the Fairlane Meadows Shopping Center, Dearborn Job No. 96-03-069, subject to approval of Corporation Counsel and to record the necessary documents with the Wayne County Register of Deeds; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

By Hubbard supported by Abraham.

1-48-13. WHEREAS: The City Engineer has presented to City Council a water main easement agreement from Younis Enterprise for the new 8" diameter water main constructed to City standards, under City inspection and now in service for West Village Academy Charter School located at 3530 Westwood, Dearborn Job No. 99-09-095 for the construction and maintenance of a public water main, and

WHEREAS: The City Engineer has requested authorization to accept the water main easement on behalf of the City, subject to the approval of Corporation Counsel and to record the necessary documents with the Wayne County Register of Deeds; be it

RESOLVED: That City Council hereby authorizes the City Engineer to accept the Water Main Easement Agreement from Younis Enterprise, for the new 8" diameter water main constructed to City standards, under City inspection and now in service for West Village Academy Charter School located at 3530 Westwood, Dearborn Job No. 99-09-095, subject to approval of Corporation Counsel and to record the necessary documents with the Wayne County Register of Deeds; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

By Hubbard supported by Shooshanian.

1-49-13. WHEREAS: The qualified electors of the City of Dearborn, County of Wayne, State of Michigan (the "City"), at the primary election duly held on August 3, 2004, did by more than the required majority of those voting approve the following proposition (the "Bond Proposal"):

**SEWER SYSTEM IMPROVEMENTS
BOND PROPOSAL**

Shall the City of Dearborn, County of Wayne, Michigan borrow the principal sum of not to exceed Three Hundred Fourteen Million One Hundred Twenty Thousand Dollars (\$314,120,000), payable in not to exceed thirty (30) years from the date of issue of each series, and issue one or more series of its general obligation unlimited tax bonds to pay for acquiring, constructing and installing improvements to the City's sewer system necessary for complying with federal and state water pollution control regulations, and reducing untreated sewage overflows in the Rouge River? The estimated millage to be levied in 2005 is 3.98 mills (\$3.98 per \$1,000 of taxable value) and the estimated simple average annual millage rate required to retire the bonds is 3.27 mills (\$3.27 per \$1,000 of taxable value).

and

WHEREAS: By resolutions previously adopted, the City Council has approved prior series of the City's general obligation unlimited tax bonds issued pursuant to the Bond Proposal in the aggregate initial principal amount of \$282,770,000 for the purpose of paying a portion of the cost of acquiring, constructing and installing improvements to the City's sewer system necessary for complying with federal and state water pollution control regulations, and reducing untreated sewage overflows in the Rouge River (the "Project"), and

WHEREAS: It is the determination of the City Council that at this time an additional series of general obligation unlimited tax bonds in the principal amount of not to exceed Eight Million Five Hundred Thousand Dollars (\$8,500,000) should be issued for the purpose of paying, together with other available funds, a portion of the cost

of the Project and paying costs incidental to the issuance of said bonds, and

WHEREAS: The City Council wishes to authorize the Director of Finance of the City to take various actions including, but not limited to, approving the final principal amount of bonds to be issued, approving a date for the sale of the Bonds, and approving the terms of the sale of the Bonds within certain parameters contained herein, and

WHEREAS: The Project qualifies in part for the State of Michigan Clean Water Revolving Fund ("SRF") financing program being administered by the Michigan Department of Environmental Quality ("MDEQ") and the Michigan Finance Authority ("MFA" or "Authority"), Project No. 5503-02; therefore be it

RESOLVED: That Bonds of the City designated **GENERAL OBLIGATION SEWER BONDS, SERIES 2013 (UNLIMITED TAX GENERAL OBLIGATION)** (the "Bonds") are authorized to be issued in the aggregate principal sum of not to exceed Eight Million Five Hundred Thousand Dollars (\$8,500,000), as finally determined by an order of the MDEQ and approved by the Director of Finance, for the purpose of paying part of the cost of the Project, including the costs incidental to the issuance, sale and delivery of the Bonds. The Bonds shall be sold to the Authority and shall be in the form of a single fully-registered, nonconvertible bond in the denomination of the full principal amount thereof, dated as of the date of delivery of the Bonds, payable in principal installments serially as finally determined by order of the MDEQ at the time of sale of the Bonds and approved by the MFA and the Director of Finance or the Mayor of the City (the "Authorized Officer"). Final determination of the Principal Amount of the Bonds and the payment dates and amounts of principal installments of the Bonds shall be evidenced by execution of a Purchase Contract (the "Purchase Contract") between the City and the MFA providing for sale of the Bonds, and an Authorized Officer is authorized and directed to execute and deliver the Purchase Contract when it is in final form and to make the determinations set forth above. The Authorized Officer, on the advice of bond counsel to the City, is authorized and directed to make appropriate changes to the designation of the Bonds hereinbefore set forth.

The Bonds or principal installments thereof will be subject to prepayment prior to maturity in the manner and at the times as provided in the form of Bond contained in this Resolution or as may be approved by the Authorized Officer at the time of sale of the Bonds or by the MFA at the time of prepayment.

The Bonds shall bear interest at a rate of two percent (2.00%) per annum on the par value thereof as may be outstanding from time to time or such other rate as evidenced by execution of the Purchase Contract, but in any event not to exceed three percent (3.00%) per annum, and the Authorized Officer shall deliver the Bonds in accordance with the delivery instructions of the MFA.

The principal amount of the Bonds is expected to be drawn down by the City periodically, and interest on the principal amount shall accrue from the date such principal amount is drawn down by the City.

The Bonds shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Bonds shall be payable as provided in the Bond form in this Resolution as the same may be amended to conform to MFA requirements.

The Authorized Officer shall record on the registration books payment by the City of each installment of principal or interest or both when made and the cancelled checks or other records evidencing such payments shall be returned to and retained by the Authorized Officer.

Upon payment by the City of all outstanding principal of and interest on the Bonds, the MFA shall deliver the Bonds to the City for cancellation; be it further

RESOLVED: That the Authorized Officer is authorized to open a separate depository account with a bank or trust company designated by the Authorized Officer or create on the books of the City an account or fund designated as the 2013 GENERAL OBLIGATION SEWER BONDS 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 Bonds as they mature. All proceeds from taxes levied for the Debt Retirement Fund shall be deposited into the Debt Retirement Fund as collected. There shall be levied upon the tax rolls of the City for the purpose of the Debt Retirement Fund each year, in the manner required by the provisions of Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), an amount sufficient so that the estimated collection therefrom will be sufficient to promptly pay, when due, the principal of and interest on the Bonds becoming due prior to the next annual tax levy; provided, however, that if at the time of making any such annual tax levy there shall be surplus moneys on hand in the Debt Retirement Fund for the payment of principal of and interest on the Bonds, then credit

therefor may be taken against such annual levy for the Debt Retirement Fund; be it further

RESOLVED: That the Bonds shall be in substantially the following form, subject to such modifications that may be required by the Michigan Attorney General and the MFA and approved by bond counsel:

**UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF WAYNE**

CITY OF DEARBORN

**GENERAL OBLIGATION SEWER BOND, SERIES 2013
(UNLIMITED TAX GENERAL OBLIGATION)**

REGISTERED OWNER: Michigan Finance Authority

PRINCIPAL AMOUNT: _____ Dollars (\$_____)

DATE OF ORIGINAL ISSUE: April 9, 2013

The CITY OF DEARBORN, County of Wayne, State of Michigan (the "City"), acknowledges itself to owe and for value received hereby promises to pay to the Michigan Finance Authority (the "Authority"), or registered assigns, the Principal Amount shown above, or such portion thereof as shall have been advanced to the City pursuant to a Purchase Contract between the City and the Authority and a Supplemental Agreement by and among the City, the Authority and the State of Michigan acting through the Department of Environmental Quality in lawful money of the United States of America, unless prepaid prior thereto as hereinafter provided.

During the time the funds are being drawn down by the City under this bond, the Authority will periodically provide to the City a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the City of its obligation to repay the outstanding Principal Amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this bond.

The Principal Amount shall be payable on the dates and in the annual principal installment amounts set forth in Schedule A attached hereto and made a part hereof,

as such Schedule may be adjusted if less than \$_____ is disbursed to the City or if a portion of the Principal Amount is prepaid as provided below, with interest on said principal installments from the date each said installment is delivered to the holder hereof until paid at the rate of two percent (2.00%) per annum. Interest is first payable on _____ 1, 201_, and semiannually and principal is payable on the first day of _____ commencing _____ 1, 201_ (as identified in the Purchase Contract).

Notwithstanding any other provision of this bond, so long as the Authority is the owner of this bond, (a) this bond is payable as to principal, premium, if any, and interest at The Bank of New York Mellon Trust Company, N.A. or at such other place as shall be designated in writing to the City by the Authority (the "Authority's Depository"); (b) the City agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on this bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; in the event that the Authority's Depository has not received the City's deposit by 12:00 noon on the scheduled day, the City shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment; and (c) written notice of any redemption of this bond shall be given by the City and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

Additional Interest

In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest that is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase this bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the City's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provide funds to purchase this bond fails to provide

sufficient available funds (together with any other funds that may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the City shall and hereby agrees to pay on demand only the City's pro rata share (as determined by the Authority) of such deficiency as additional interest on this bond.

This bond is a single, fully-registered, non-convertible bond in the principal sum of \$8,105,000, issued for the purpose of paying a portion of the cost of acquiring, constructing and installing improvements to the City's sewer system necessary for complying with federal and state water pollution control regulations, and reducing untreated sewage overflows in the Rouge River in the City and paying costs incidental to the issuance of the bonds in pursuance of a vote of the qualified electors of the City voting thereon at the primary election duly held on August 3, 2004.

Bonds may be subject to redemption prior to maturity by the City only with the prior written consent of the Authority and on such terms as may be required by the Authority.

This bond, including the interest hereon, is payable out of the City's Debt Retirement Fund for this issue, and the City is obligated to levy annually sufficient taxes to provide for the payment of the principal of and interest on the series of bonds of which this is one as they mature, without limitation as to rate or amount.

This bond is transferable only upon the registration books of the City by the registered owner of record in person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the City duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the resolution authorizing this bond and upon the payment of the charges, if any, therein prescribed.

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 bond, 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 bond, does not exceed any constitutional, statutory or charter debt limitation.

IN WITNESS WHEREOF, the City, by its City Council, has caused this bond to be signed in the name of the City by the manual signatures of its Mayor and Clerk and its corporate seal to be impressed hereon, all as of the Date of Original Issue.

CITY OF DEARBORN
County of Wayne
State of Michigan

By _____

Its Mayor

(SEAL)

By _____

Its Clerk

DEQ Project No. 5503-02

DEQ Approved Amt: \$ _____ *

SCHEDULE A

Based on the schedule provided below unless revised as provided in this paragraph, repayment of principal of the Bond shall be made until the full amount advanced to the City is repaid. In the event the Order of Approval issued by the Department of Environmental Quality (the "Order") approves a principal amount of assistance less than the amount of the Bond delivered to the Authority, the Authority shall only disburse principal up to the amount stated in the Order. In the event (1) that the payment schedule approved by the City and described below provides for payment of a total principal amount greater than the amount of assistance approved by the Order or (2) that less than the principal amount of assistance approved by the Order is disbursed to the City by the Authority, the Authority shall prepare a new payment schedule that shall be effective upon receipt by the City.

Maturity DatePrincipal Amount

Interest on the bond shall accrue on that portion of principal disbursed by the Authority to the City which has not been forgiven pursuant to the Order from the date such portion is disbursed, until paid, at the rate of 2.00% per annum, payable _____ 1, 201_, and semi-annually thereafter.

The City agrees that it will deposit with The Bank of New York Mellon Trust Company, N.A., or at such other place as shall be designated in writing to the City by the Authority (the "Authority's Depository") payments of the principal of, premium, if any, and interest on this bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise. In the event that the Authority's Depository has not received the City's deposit by 12:00 noon on the scheduled day, the City shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment.

*Not to exceed amount. Loan Reductions at close out will result in a proportional decrease; be it further

RESOLVED: That the estimated period of usefulness of the proposed sewer infrastructure improvements of which the portion of the Project financed with the Bonds is a part is hereby declared to be not less than thirty (30) years and the total cost of said sewer infrastructure

improvements is estimated to be not less than Three Hundred Fourteen Million One Hundred Twenty Thousand Dollars (\$314,120,000); be it further

RESOLVED: That 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 Bonds from gross income for federal income tax purposes (as opposed to any alternative minimum or other indirect taxation) 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 expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds; be it further

RESOLVED: That the Mayor, Director of Finance, and City Clerk are each hereby authorized to make application to the Authority and to the MDEQ for placement of the Bonds with the Authority. Any of the Mayor, Director of Finance, City Clerk and other appropriate City officials are further authorized to execute and deliver such contracts, documents and certificates as may be required by the Authority or MDEQ or as may be otherwise necessary to effect the approval, sale and delivery of the Bonds as contemplated by this Resolution, including a Purchase Contract, a Supplemental Agreement, an Issuer's Certificate and a Revenue Sharing Pledge Agreement, if required by the Authority; be it further

RESOLVED: That the Authorized Officer is authorized to take all other actions necessary or advisable, and to make such other filings or certifications as may be necessary to enable the sale and delivery of the Bonds as contemplated herein; be it further

RESOLVED: That the Authorized Officer is hereby authorized to adjust the final bond details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing is authorized to exercise the authority and make the determinations authorized pursuant to Section 315(1)(d) of Act 34, including but not limited to determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, designation of the Bonds, and other matters, provided that the principal amount of Bonds issued shall not exceed the principal amount authorized in this Resolution, the interest rate per annum on the Bonds shall not exceed three percent (3.00%), and the Bonds shall mature in not to exceed thirty (30) years from the date of issue; be it further

RESOLVED: That the City determines to sell the Bonds to the Authority pursuant to a negotiated sale in order to obtain terms not generally available from conventional municipal bond market sources and for the opportunities provided by a negotiated sale to the Authority to select and adjust the terms of the Bonds; be it further

RESOLVED: That all resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution be and the same hereby are rescinded to the extent of such conflict; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

By Shooshanian supported by Hubbard.

1-50-13. WHEREAS: In 2008, the City of Dearborn purchased the former Mt. Olivet Methodist Church located at 5067 Horger for \$500,000, and

WHEREAS: The structure was demolished and the property was divided into four housing sites for the construction of single-family homes, and

WHEREAS: The City also purchased 5050 Horger under the Operation Eyesore Program in 2008 for \$36,750; the house was demolished, and

WHEREAS: The following lots were placed on the City's 2012 lot list for new construction:

<u>Properties:</u>	<u>Minimum bid price:</u>
5050 Horger - Lot 399, Maplewood Park Sub. 40' x 131', Zoned Residential A, 82-10-182-26-004	\$19,400
<u>Horger</u> - Lot 13 and North ½ of Lot 14, Ardross Sub. 60' x 112', Zoned Residential A, 82-10-182-25-062	\$24,000
<u>Horger</u> - Lot 15 and South ½ of Lot 14, Ardross Sub. 60' x 112', Zoned Residential A, 82-10-182-25-061	\$24,000
<u>Horger</u> - Lot 16 and North ½ of Lot 17, Ardross Sub. 60' x 112', Zoned Residential A, 82-10-182-25-060	\$24,000
<u>Horger</u> - South ½ of Lot 17 and Lot 18, Ardross Sub. 60' x 112', Zoned Residential A, 82-10-182-25-059	\$24,000

and

WHEREAS: No one bid on the properties for new construction, and

WHEREAS: NA Design Firm Inc., by Nidal Arzouni, has offered to purchase these properties for the minimum bid price, and

WHEREAS: NA Design plans to begin construction of single-family dwellings on each of the lots within one year of the date of the closing, in accordance with the City's Land Sales Guidelines, and

WHEREAS: It is recommended that the city Council approve NA Design Firm Inc.'s request to purchase the properties listed above, provided the following conditions are met:

1. Purchaser may not assign its purchase option or sell the vacant land without approval of the Dearborn City Council, and
 2. Closing of this transaction must take place within ninety (90) days of the effective date of the Dearborn City Council Resolution which authorizes the sale of the property; failure to close within this period shall result in the Resolution automatically being rescinded, deposit forfeited, and the sale declared null and void, and
 3. If purchaser elects to sell the vacant properties during the 12-month period, the purchaser must first offer to resell the properties to the City for the purchase price, less 10%, and
 4. The purchaser accepts the properties "AS IS" and assumes all responsibility for soil testing and soil conditions, and
 5. Construction of single-family dwellings on these properties must begin within a 12-month period from the date of closing. Construction shall be deemed started when:
 - a. The plans have been approved by the Building and Safety Department, and
 - b. Building permits have been issued, and
 - c. Excavation of the basement/foundation is started.
- If purchaser fails to meet the construction deadlines, the City, in its sole discretion, may purchase the properties back at the original sale price, less 10%, and
6. Purchaser must complete construction before building permits expire, and
 7. Purchaser agrees that, in constructing single-family dwellings, it shall comply with **all** zoning requirements, including, but not limited to, setback, lot coverage, and compatibility requirements of the Dearborn Zoning Ordinance. Purchaser further acknowledges that this is a waiver of its right to seek a variance of these requirements, and

8. Purchaser may not seek division or combination of any of the lots without prior approval from Dearborn City Council, and
9. Purchaser must comply with Land Sale Guidelines.

and

WHEREAS: The City has no further need for said land and this Council believes that said offer is a fair and reasonable price for said land and it is in the best interest of the City to accept said offer; therefore be it

RESOLVED: That this Council does hereby determine to effect the sale to NA Design Firm Inc. of the following parcels described as:

<u>Properties:</u>	<u>Minimum bid price:</u>
5050 Horger - Lot 399, Maplewood Park Sub. 40' x 131', Zoned Residential A, 82-10-182-26-004	\$19,400
<u>Horger</u> - Lot 13 and North ½ of Lot 14, Ardross Sub. 60' x 112', Zoned Residential A, 82-10-182-25-062	\$24,000
<u>Horger</u> - Lot 15 and South ½ of Lot 14, Ardross Sub. 60' x 112', Zoned Residential A, 82-10-182-25-061	\$24,000
<u>Horger</u> - Lot 16 and North ½ of Lot 17, Ardross Sub. 60' x 112', Zoned Residential A, 82-10-182-25-060	\$24,000
<u>Horger</u> - South ½ of Lot 17 and Lot 18, Ardross Sub. 60' x 112', Zoned Residential A, 82-10-182-25-059	\$24,000

and that the Mayor be and is hereby authorized to execute Deeds for said properties to NA Design Firm Inc. upon delivery to the City of the above purchase price and full compliance with the conditions outlined above, subject to adjustments, if any, as shown on the Closing Statement, prepared by Corporation Counsel and based upon NA Design Firm Inc. closing within ninety (90) days of the effective date of this Resolution; be it further

RESOLVED: That the sale is contingent upon the satisfaction of the terms contained in the Purchase Agreements and in the conditions outlined above; be it further

RESOLVED: That the sale of the properties for the construction of new homes will serve a public purpose by revitalizing and stabilizing the neighborhood and by adding the properties to the tax rolls to generate revenue for the City; be it further

RESOLVED: That the Corporation Counsel or her designee is authorized to execute documents on behalf of the City of Dearborn to complete this transaction; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

By Hubbard supported by Shooshanian.

1-51-13. WHEREAS: Adel and Abdul Mozip have offered to purchase the vacant City-owned property located at 14232 Robertson, Dearborn, Michigan for the sum of \$21,100.20 Cash, and

WHEREAS: This property was advertised to the public for sale on a sealed-bid basis; one bid was received on this property at that time, and

WHEREAS: Adel and Abdul Mozip were the only bidders and are proposing to build a single-family dwelling on this property within one year of the date of closing, and

WHEREAS: Adel and Abdul Mozip have been informed and agree to the following conditions applicable to the proposed sale:

1. Purchasers may not assign their purchase option or sell the vacant land without the approval of the Dearborn City Council, and
2. Closing of this transaction must take place within ninety (90) days of the effective date of the Dearborn City Council Resolution which authorizes the sale of the property; failure to close within this period shall result in the Resolution automatically being rescinded, deposit forfeited, and the sale declared null and void, and
3. If purchasers elect to sell the vacant property during the 12-month period, the purchasers must first offer to resell the property to the City for the purchase price, less 10% and
4. The purchasers accept the property "AS IS" and assume all responsibility for soil testing and soil conditions, and
5. Construction of a single-family dwelling on this property must begin within a 12-month period from the date of closing. Construction shall be deemed started when:
 - a. The plans have been approved by the Building and Safety Department, and
 - b. Building permits have been issued, and
 - c. Excavation of basement/foundation is started, and
6. Purchasers must complete construction before building permits expire, and

7. Purchasers agree that, in constructing a single-family dwelling, they shall comply with **all** zoning requirements, including, but not limited to, setback, lot coverage, and compatibility requirements of the Dearborn Zoning Ordinance. Purchasers further acknowledge that this is a waiver of their right to seek a variance of these requirements, and
8. Purchasers must comply with Land Sale Guidelines.

and

WHEREAS: The City has no further need for said land and this Council believes that said offer is a fair and reasonable price for said land and it is in the best interest of the City to accept said offer; therefore be it

RESOLVED: That this Council does hereby determine to effect the parcel described as:

South ½ of Lot 217 and South ½ of Lot 218, Williamson Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 32, Page 65 of Plats, Wayne County Records.

Commonly known as vacant lot at 14232 Robertson
Tax I.D. No. 82-10-184-11-039

to Adel and Abdul Mozip for \$21,100.20; be it further

RESOLVED: That the Mayor is hereby authorized to execute a deed for said land to Adel and Abdul Mozip upon delivery to the City of the above purchase price and full compliance with the conditions outlined above, subject to adjustments, if any, as shown on the Closing Statement, prepared by Corporation Counsel and based upon Adel and Abdul Mozip closing within ninety (90) days of the effective date of this Resolution; be it further

RESOLVED: That the sale is contingent upon the satisfaction of the terms contained in the Purchase Agreement; be it further

RESOLVED: That the sale is contingent upon the approval from HUD; be it further

RESOLVED: That the sale of the property for the construction of a new house will serve a public purpose by revitalizing and stabilizing the neighborhood and by adding the property to the tax rolls to generate revenue for the City; be it further

RESOLVED: That if purchasers wish to sell the vacant property during this 12-month period, the City shall have the sole right to repurchase the vacant property for the sum of \$21,100.20, less 10%; be it further

RESOLVED: That the Corporation Counsel or her designee is authorized to execute documents on behalf of the City of Dearborn to complete this transaction; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

By Shooshanian supported by Hubbard.

1-52-13. WHEREAS: Council Resolution No. 9-487-12 authorized the sale of the renovated residential property at 6515 Neckel to John Schuman at a sale price of \$68,500 under the terms and conditions of the First-Time Homebuyer (FTHB) Program (CR#2-108-12), and

WHEREAS: The homebuyer was unable to close the transaction within the authorized one hundred twenty (120) day period due to incompatibility of his primary mortgage financing with the terms of the FTHB Program's second mortgage, and

WHEREAS: The homebuyer has now secured pre-approval from a mortgage lender with a product that is compatible with program requirements and requests additional time to close the transaction; therefore be it

RESOLVED: That Council Resolution No. 9-487-12 is hereby amended to provide an additional one hundred twenty (120) days from the effective date of this Council Resolution to close this transaction; be it further

RESOLVED: That all other terms and conditions of Council Resolution No. 9-487-12 shall remain unchanged; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

By Hubbard supported by Shooshanian.

1-53-13. RESOLVED: That City Council hereby concurs in the Mayor's appointment of Caryn L. Charter, to the Planning Commission for a term ending June 30, 2014; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

By Hubbard supported unanimously.

1-54-13. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Louise Adray, and

WHEREAS: This departure at the dictation of Divine Providence, constitutes an irreparable loss to the beloved family and numerous friends and neighbors; be it

RESOLVED: That the Mayor and members of the Council of the City of Dearborn here assembled, hereby sincerely extend and offer in this sad hour of bereavement, heartfelt sympathy and condolence to the family of the deceased.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

By Hubbard supported unanimously.

1-55-13. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Nowal Sareini Shatila, and

WHEREAS: This departure at the dictation of Divine Providence, constitutes an irreparable loss to the beloved family and numerous friends and neighbors; be it

RESOLVED: That the Mayor and members of the Council of the City of Dearborn here assembled, hereby sincerely extend and offer in this sad hour of bereavement, heartfelt sympathy and condolence to the family of the deceased.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

By Bazzy supported unanimously.

1-56-13. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Robert Burton Puffer, and

WHEREAS: This departure at the dictation of Divine Providence, constitutes an irreparable loss to the beloved family and numerous friends and neighbors; be it

RESOLVED: That the Mayor and members of the Council of the City of Dearborn here assembled, hereby sincerely extend and offer in this sad hour of bereavement, heartfelt sympathy and condolence to the family of the deceased.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

There being no further business, upon a motion duly made, seconded, and adopted, the Council then adjourned at 8:07 P.M.

APPROVED:

Thomas P. Tafelski
President of the Council

ATTESTED:

Kathleen Buda
City Clerk