

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 25, 2022

A Regular Meeting of the Madison Heights City Council was held on Monday, April 25, 2022 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Grafstein. Councilmembers: Aaron, Fleming, Rohrbach, Soltis and Wright.

Absent: Mayor Pro Tem Bliss

Others Present: City Manager Marsh, City Attorney Sherman, and Deputy City Clerk Boucher.

CM-22-129. Excuse Councilmember.

Motion by Councilor Rohrbach, seconded by Councilor Wright, to excuse Mayor Pro Tem Bliss from tonight's meeting.

Yeas: Aaron, Fleming, Rohrbach, Soltis, Wright, Grafstein

Nays: None

Absent: Bliss

Motion carried.

Councilman Soltis gave the invocation and the Pledge of Allegiance followed.

CM-22-130. Appoint Acting City Clerk.

Motion by Councilman Fleming, seconded by Councilwoman Aaron, to appoint Acting City Clerk Boucher for tonight's meeting.

Yeas: Aaron, Fleming, Rohrbach, Soltis, Wright, Grafstein

Nays: None

Absent: Bliss

Motion carried.

CM-22-131. Approval of the Agenda.

Motion by Councilor Rohrbach, seconded by Councilor Wright, to add C-3, the resignation of Councilman Soltis from the Election Commission and appointment of Mayor Pro Tem Bliss as the Council Representative; and D-4, the First Amendment to the City Manager's Employment Agreement, to the agenda.

Yeas: Aaron, Fleming, Rohrbach, Soltis, Wright, Grafstein
Nays: None
Absent: Bliss
Motion carried.

CM-22-132. Deletion to Agenda.

Motion by Councilor Rohrbach, seconded by Councilman Fleming, to delete G-2, Ordinance 2181 - the Amendment to the Medical Marihuana Ordinance, and postpone this item to the May 9, 2022 Regular Council Meeting.

Yeas: Aaron, Fleming, Rohrbach, Soltis, Wright, Grafstein
Nays: None
Absent: Bliss
Motion carried.

CM-22-133. May 1-7, 2022 Drinking Water Week Proclamation.

City Manager Marsh read the 2022 Drinking Water Week Proclamation and on behalf of City Council, Mayor Grafstein presented the resolution to the Department of Public Services.

CM-22-134. Michigan Association of Chiefs of Police Presentation of Madison Heights Police Department's Accreditation.

Mr. Robert Stevenson, Executive Director of the Michigan Association of Chiefs of Police, shared that out of 600 agencies in the State of Michigan, the Madison Heights Police Department is the 39th to accomplish Accreditation.

Neal Rossow, Program Director of the Michigan Association of Chiefs of Police, stated that the Madison Heights Police Department met the 108 standards to receive the Accreditation.

Ron Wiles, President of the Michigan Association of Chiefs of Police, presented Police Chief Corey Haines with an Accreditation Certificate. The Madison Heights Police Department has been voluntarily complying with the standards established by the Michigan Law Enforcement Accreditation Commission deemed essential for the delivery of professional police services and the protection of their community. Chief Haines thanked the Mayor, City Council and City Manager for their continuous support. The Police Department has taken a huge step forward in protecting our community and the viability of our City. Chief Haines recognized Deputy Chief Brent LeMerise and the Command Officers for all their hard work for making this achievement possible. He thanked the program assessors, Sergeant Kevin Cisler from the Zeeland Police Department and Senior Deputy Police/Fire Chief Daniel Mills from the Portage Public Safety Department. Chief Haines expressed his appreciation for the

Michigan Association of Chiefs of Police for the opportunity and he hopes all the other agencies follow their lead.

Mayor Grafstein added that our Police Department was amazing before they received this accreditation. She thanked Police Chief Haines and his department for all their hard work.

CM-22-135. Special Use PSP 22-02 – Madison Heights Civic Center Project, 300 W. 13 Mile Rd.

City Manager Marsh reviewed the proposed Special Use PSP 22-02, Madison Heights Civic Center Project, 300 W. 13 Mile Road.

A public hearing was held at 7:47 p.m. to hear comments pertaining to Special Use PSP 22-02, Madison Heights Civic Center Project, 300 W. 13 Mile Road. Seeing no public wishing to speak, Mayor Grafstein closed the public hearing at 7:48 p.m.

Motion by Councilwoman Aaron, seconded by Councilor Wright:

WHEREAS, a Special Approval Board application has been received from 300 W. 13 Mile Road, requests for approval for the Civic Center campus renovation project. The subject site is zoned R-2, One-Family Residential. The project involves the construction of a new Active Adult Center, renovations to the existing City Hall and Library Buildings, and site improvements.

WHEREAS, a public hearing was published in the Madison Park News on April 6, 2022 and notices were mailed to property owners within 500 feet of the aforementioned property; and,

WHEREAS, a report has been received from the Community and Economic Development Department stating:

LOCATION: 300 W. 13 Mile Road

REQUEST:

Applicant is proposing the construction of a new Active Adult Center, renovations to the existing City Hall and Library Buildings, and site improvements. The subject site is zoned R-2, One-Family Residential.

BACKGROUND AND ANALYSIS:

The City of Madison Heights proposes to construct a new Active Adult Center at the Civic Center campus, 300 W. 13 Mile Road. The new Active Adult Center building is proposed as a connection between the existing City Hall and Library

buildings, which will also be renovated. Additional site modifications are proposed, including improvements to on-site parking, circulation, and landscaping.

Per Section **10.307**, municipal buildings and libraries require special use approval within the R-2, One- Family Residential district.

Construction began on the current Civic Center campus in 1963. Based on historical zoning maps, the Civic Center campus area has been zoned for residential uses since the incorporation of Madison Heights in 1955.

EXISTING ZONING AND LAND USE:

The table below denotes existing adjacent land uses and zoning designations.

	Existing Land Use	Existing Zoning
Site	Municipal (City Hall, Library, Fire, Police, Court)	R-2, Residential
North	Civic Center Park	R-2, Residential
South (across 13 Mile Rd.)	Office	O-1, Office
East (across Brush St.)	Commercial/Restaurants	B-1, Local Business
West	Lamphere High School	R-2, Residential

The subject site is zoned R-2 which, per the Zoning Ordinance, is intended to *“provide for one-family dwelling sites and residentially related uses in keeping with the Master Plan of residential development in the City of Madison Heights.”*

FUTURE LAND USE AND MASTER PLAN:

The table below denotes adjacent future land use designations as contained within the 2021 Madison Heights Master Plan.

	Future Land Use
Site	Public & Schools
North	Recreation
South (across 13 Mile Rd.)	Office
East (across Brush St.)	Office
West	Public & Schools/Recreation

The future land use designation of the subject site is ‘Public & Schools’. Per the Master Plan, the Public & Schools designation is intended to maintain the City’s history of quality public services and its system of neighborhood schools. The Master Plan calls out the Civic Center complex as an area that the City should maintain and improve for public service use.

FINDINGS AND RECOMMENDATION:

Staff offers the following findings for City Council consideration:

1. The applicant, the City of Madison Heights, requests special use approval for an expansion of the Civic Center campus (municipal building) at 300 W. 13 Mile Road. The project involves the construction of a new Active Adult Center, renovations to the existing City Hall and Library buildings, and site improvements.
2. The proposed Active Adult Center addition, City Hall and Library renovations, and site improvements are located on the exiting Civic Center site and will not be detrimental to adjacent public and commercial properties. The Final Site Plan will require review and approval through the Site Plan Review Committee (SPRC).
3. The proposed project is compatible with the uses permitted within the R-2, One-Family Residential zoning district, and is in character with the surrounding neighborhood.
4. The proposed use is consistent and compatible with the description and intent of the *'Public & Schools'* future land use designation, as contained within the 2021 Master Plan, and will benefit Madison Heights residents, property owners, and business owners.
5. The proposed use generally satisfies the special use approval review standards and criteria listed in Section 10.201(4).
6. The Site Plan Review Committee (SPRC) reviewed the proposed special approval request at their April 6th, 2022 meeting and did not cite concerns regarding the proposed special use. Separate SRPC approval will be required for the final site plan.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as Special Approval Board in accordance with section 10.201 of the Code of Ordinances, hereby APPROVES the requested Special Use PSP 22-02 at 300 W. 13 Mile Rd. to permit the construction of a new Active Adult Center, renovations to the existing City Hall and Library Buildings, and site improvements in a R-2, One-Family Residential District, with the following condition:

1. The final site plan shall be reviewed and approved by the Site Plan Review Committee (SPRC).

Yeas: Aaron, Fleming, Rohrbach, Soltis, Wright, Grafstein

Nays: None

Absent: Bliss

Motion carried.

CM-22-136. Meeting Open to the Public.

Gloria Moore invites the public to the Friends of the Madison Heights Area Senior Citizens meeting on Thursday, May 19th at 7 p.m. and a Sock Hop event On June 23rd at 4 p.m.; both are being held at Wilkinson Middle School.

Peg Marentette expressed her concerns with each household being charged a minimum of 10 units of water monthly, regardless of the actual use. To charge this minimum is not equitable.

Martha Covert apologized to Councilman Soltis for any negative comments towards him and asked that City Council provide residents with correct information.

Donna Dalling expressed her concerns with the treatment of the Active Adult Center patrons.

Vita Palazzolo shared that May 5th is the National Day of Prayer.

CM-22-137. Alex Saints Foundation – Request for Local Governing Body Resolution for Charitable Gaming Licenses.

Motion by Councilwoman Aaron, seconded by Councilman Soltis, to approve the resolution request from Alex Saints Foundation of Madison Heights, County of Oakland, recognizing them as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses.

Yeas: Aaron, Fleming, Rohrbach, Soltis, Wright, Grafstein

Nays: None

Absent: Bliss

Motion carried.

CM-22-138. Cemone Moy and Jeremy Carroll – Resignations from Boards and Commissions.

Motion by Councilor Rohrbach, seconded by Councilman Fleming, to accept the resignations of Cemone Moy from the Human Relations and Equity Commission and Jeremy Carrol from the Parks and Recreation Advisory Board; declare the seats vacant and send Certificates of Appreciation.

Yeas: Aaron, Fleming, Rohrbach, Soltis, Wright, Grafstein

Nays: None

Absent: Bliss

Motion carried.

CM-22-139. Resignation of Councilman Soltis from the Election Commission and appointment of Mayor Pro Tem Bliss as the Council Representative.

Motion by Councilor Rohrbach, seconded by Councilwoman Aaron, to accept the resignation of Councilman Soltis from the Election Commission and appoint Mayor Pro Tem Bliss as the Council Representative.

Councilman Soltis explained that he can no longer be a Council Representative on the Election Commission because he filed as a candidate for the State House race.

Mayor Grafstein clarified that Mayor Pro Tem Bliss is the only Council member not expected to be on the ballot for the next local election.

Yeas: Aaron, Fleming, Rohrbach, Soltis, Wright, Grafstein
Nays: None
Absent: Bliss
Motion carried.

CM-22-140. 2022 Fireworks Permit.

Motion by Councilor Rohrbach, seconded by Councilor Wright, to approve the 2022 Festival in the Park Fireworks Display Permit and authorize the Mayor to sign on behalf of the City.

Yeas: Aaron, Fleming, Rohrbach, Soltis, Wright, Grafstein
Nays: None
Absent: Bliss
Motion carried.

CM-22-141. Participation Agreement for MSHDA's Michigan Homeowner Assistance Fund (MIHAF).

Motion by Councilor Wright, seconded by Councilor Rohrbach, to authorize the City Manager to sign the Provider Participation Agreement for MSHDA's Michigan Homeowner Assistance Fund (MIHAF).

Councilor Rohrbach thanked the Community Economic Development Department for all their hard work and for making this a viable project for our community.

Councilman Soltis added that this program will help homeowners in need and increase the property value in the City.

Yeas: Aaron, Fleming, Rohrbach, Soltis, Wright, Grafstein
Nays: None

Absent: Bliss
Motion carried.

**CM-22-142. Bond Authorizing Resolution – Madison Heights 2022
Capital Improvement Bonds.**

Motion by Councilwoman Aaron, seconded by Councilman Soltis, to approve a resolution authorizing the issuance of Capital Improvements Bonds in the amount of \$6,500,000 specifically for the renovation and rebuilding of the City Hall, Library, Active Adult Center, and Fire Station #2, as follows:

WHEREAS, the City of Madison Heights, County of Oakland, State of Michigan (the “City”) does hereby determine that it is necessary to pay all or part of the cost of acquiring and constructing various capital improvements in the City, including, but not limited to, rebuilding portions of the Madison Heights Civic Center Plaza, renovating the City Hall and Library while adding a new space to relocate the Active Adult Center, and renovating/rebuilding, furnishing and equipping Fire Station #2, including related site improvements (collectively, the “Project”); and

WHEREAS, to finance all or part of the cost of the Project, the City Council deems it necessary to borrow the principal amount of not to exceed Six Million Five Hundred Thousand Dollars (\$6,500,000) and issue capital improvement bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended (“Act 34”) to pay the cost of the Project; and

WHEREAS, a notice of intent for bonds was published in accordance with Act 34 which provides that the capital improvement bonds may be issued without a vote of the electors of the City unless a proper petition for an election on the question of the issuance of the bonds is filed with the City Clerk within a period of forty-five (45) days from the date of publication and no petition was filed with the Clerk within the 45-day period.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Authorization of Bonds; Bond Terms. Bonds of the City designated **2022 CAPITAL IMPROVEMENT BONDS (LIMITED TAX GENERAL OBLIGATION)** (the “Bonds”), are hereby authorized to be issued in the aggregate principal sum of not to exceed Six Million Five Hundred Thousand Dollars (\$6,500,000) for the purpose of paying all or part of the costs of the Project, including the costs incidental to the issuance, sale and delivery of the Bonds. The issue shall consist of bonds in fully-registered form of the denomination of \$5,000, or any integral multiple thereof not exceeding for each maturity the maximum principal amount of that maturity, numbered consecutively in order of registration, dated as of the date of delivery, or such other date as determined by the City Manager or Finance Director (each an “Authorized Officer” and together, the “Authorized Officers”), at the time of sale of the Bonds. The Bonds shall bear interest, mature and be payable at the times and in the manner set forth in Sections 6 and 7 hereof and as shall be finally determined by an Authorized Officer at the time of sale of the Bonds.

The Bonds shall be sold at public sale at a price not less than 99% of the principal amount

thereof.

The Bonds shall be subject to redemption prior to maturity in the manner and at the times and prices set forth in Sections 6 and 7 hereof and if term bonds are selected by the original purchaser of the Bonds, then the Bonds will be subject to mandatory redemption in accordance with the foregoing referenced maturity schedule at par.

Interest shall be payable to the registered owner of record as of the 15th day of the month prior to the payment date for each interest payment. The record date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. The principal of the Bonds shall be payable at The Huntington National Bank, Grand Rapids, Michigan, which is hereby selected to act as the transfer agent for the Bonds (the "Transfer Agent").

The Bonds may be issued in book-entry-only form through The Depository Trust Company in New York, New York ("DTC") and each Authorized Officer is authorized to execute such custodial or other agreements with DTC as may be necessary to accomplish the issuance of the Bonds in book-entry-only form and to make such changes in the bond form within the parameters of this resolution as may be required to accomplish the foregoing.

2. Execution of Bonds. The Bonds of this issue 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, printed or impressed on the Bonds. No Bond executed by facsimile signature shall be valid until authenticated by an authorized officer or representative of the Transfer Agent. The Bonds shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the Purchaser or other person in accordance with instructions from an Authorized Officer upon payment of the purchase price for the Bonds in accordance with the bid therefor when accepted.

3. Transfer of Bonds. The Transfer Agent shall keep the books of registration for this issue on behalf of the City. Any Bond 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 Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any Bond or Bonds shall be surrendered for transfer, the City shall execute and the Transfer Agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The Transfer Agent shall require the payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.

Unless waived by any registered owner of Bonds to be redeemed, official notice of redemption shall be given by the Transfer Agent on behalf of the City. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; CUSIP numbers, if any; certificate numbers (and in the case of partial redemption) the called amounts of each certificate; the place where the Bonds called for redemption are to be surrendered for payment; and that interest on the Bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date.

In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

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

The City Treasurer is authorized and directed to open a depository account with a bank or trust company designated by the City Council, to be designated **2022 CAPITAL IMPROVEMENT 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.

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 Bonds, shall be deposited in trust, this resolution shall be defeased and the owners of the Bonds shall have no further rights under this resolution except to receive payment of the principal of, premium, if any, and interest on the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.

5. Construction Fund; Proceeds of Bond Sale. The City Treasurer is authorized and directed to open a separate depository account with a bank or trust company designated by the City Council, to be designated **2022 CAPITAL IMPROVEMENT BONDS CONSTRUCTION FUND** (the “Construction Fund”), and deposit into said Construction Fund the proceeds of the Bonds less accrued interest, if any, which shall be deposited into the Debt Retirement Fund. The amounts specified by an Authorized Officer at the time of sale of the Bonds from the net proceeds of sale of the Bonds shall be deposited to the appropriate account in the Construction Fund to be used to pay for the Project and the costs of issuance of the Bonds. Except for investment pending disbursement and as herein provided, the moneys in each account in the Construction Fund shall be used solely to pay the costs of the Project, the costs of issuance of the Bonds, as such costs become due and payable and, as may be necessary, to rebate arbitrage earnings, if any, to the United States Department of Treasury as required by the Internal Revenue Code of 1986, as amended (the “Code”).

6. Bond Form. The Bonds shall be in substantially the following form:

FORM OF BONDS

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF OAKLAND

CITY OF MADISON HEIGHTS

2022 CAPITAL IMPROVEMENT BOND
(LIMITED TAX GENERAL OBLIGATION)

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
_____%	November 1, 20__	_____, 2022	

Registered Owner:

Principal Amount: _____ Dollars

The City of Madison Heights, County of Oakland, State of Michigan (the "Issuer"), acknowledges itself to owe and for value received hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Maturity Date specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) 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, first payable on November 1, 2022 and semiannually thereafter. Principal of this bond is payable at the corporate trust office of The Huntington National Bank, Grand Rapids, Michigan, or such other transfer agent as the Issuer may hereafter designate by notice mailed to the registered owner not less than sixty (60) days prior to any interest payment date (the "Transfer Agent"). Interest on this bond 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 Issuer kept by the Transfer Agent by check or draft mailed to the registered owner of record at the registered address. For prompt payment of this bond, both principal and interest, the full faith, credit and resources of the Issuer are hereby irrevocably pledged.

This bond is one of a series of bonds of even Date of Original Issue aggregating principal sum of \$_____, issued pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), and a resolution duly adopted by the City Council of the City for the purpose of paying the cost of various capital improvements in the City. This bond, including the interest hereon, is payable as a first budget obligation from the general funds of the City, and the City is required, if necessary, to levy ad valorem taxes on all taxable property in the City for the payment thereof, subject to applicable constitutional, statutory and charter tax rate limitations.

Bonds of this issue maturing in the years 2024 through 2031, inclusive, shall not be subject to redemption prior to maturity. Bonds or portions of bonds of this issue in multiples of \$5,000 maturing in the year 2032 and thereafter shall be subject to redemption prior to maturity, at the option of the City, in any order of maturity and by lot within any maturity, on any date on or after November 1, 2031, at par and accrued interest to the date fixed for redemption.

[Insert term bond redemption provisions, if necessary.]

In case less than the full amount of an outstanding bond is called for redemption, the Transfer Agent, upon presentation of the bond called in part for redemption, shall register, authenticate and deliver to the registered owner of record a new bond in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given to the registered owner of any bond or portion thereof called for redemption by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered address of the registered owner of record. A bond or portion thereof so called for redemption shall not bear interest after the date fixed for redemption, whether or not presented for redemption, provided funds are on hand with the Transfer Agent to redeem said bond or portion thereof.

This bond is transferable only upon the registration books of the Issuer kept by the Transfer 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 bond together with a written instrument of transfer satisfactory to the Transfer Agent 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 and the series of bonds 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 Issuer, including this bond and the series of bonds of which this is one, does not exceed any constitutional, statutory or charter debt limitation.

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

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

CITY OF MADISON HEIGHTS
County of Oakland
State of Michigan

By _____
Its Mayor

(SEAL)

By _____
Its City Clerk

(Form of Transfer Agent's Certificate of Authentication)

DATE OF AUTHENTICATION: _____

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within-mentioned resolution.

The Huntington National Bank
Grand Rapids, Michigan
Transfer Agent

By _____
Its Authorized Signatory

[End of Bond Form]

7. Notice of Sale. Either Authorized Officer is authorized to fix a date of sale for the Bonds and to publish a notice of sale of the Bonds in ***The Bond Buyer***, New York, New York,

which notice of sale shall be in substantially the following form:

FORM OF OFFICIAL NOTICE OF SALE

OFFICIAL NOTICE OF SALE

\$ _____ *

CITY OF MADISON HEIGHTS
COUNTY OF OAKLAND, STATE OF MICHIGAN
2022 CAPITAL IMPROVEMENT BONDS
(LIMITED TAX GENERAL OBLIGATION)

**Subject to adjustment as set forth in this Notice of Sale*

SEALED BIDS for the purchase of the above bonds will be received by the City Clerk of the City of Madison Heights, County of Oakland, State of Michigan (the “City”) at the City office located at 300 West Thirteen Mile Road, Madison Heights, Michigan 48071 on _____, _____, 2022 until ____:____.m., prevailing Eastern Time, at which time and place said bids will be publicly opened and read. The award or rejection of the bids will occur on that date.

FAXED BIDS: Signed bids may be submitted by fax to the City at fax number (248) 588-0204, Attention: City Clerk, provided that faxed bids must arrive before the time of sale and the bidder bears all risks of transmission failure.

ELECTRONIC BIDS: Bidders may submit bids for the purchase of the above bonds as follows:

Electronic bids may be submitted to the Municipal Advisory Council of Michigan at munibids@macmi.com; provided that electronic bids must arrive before the time of sale and the bidder bears all risks of transmission failure.

Electronic bids will also be received on the same date and until the same time by Bidcomp/Parity as agent of the undersigned. Further information about Bidcomp/Parity, including any fee charged, may be obtained from Bidcomp/Parity, Anthony Leyden or CLIENT SERVICES, 1359 Broadway, Second Floor, New York, New York 10010, (212) 849-5021. IF ANY PROVISION OF THIS NOTICE OF SALE SHALL CONFLICT WITH INFORMATION PROVIDED BY BIDCOMP/PARITY, AS THE APPROVED PROVIDER OF ELECTRONIC BIDDING SERVICES, THIS NOTICE SHALL CONTROL.

Bidders may choose either of the foregoing means to present bids but a bidder may not present a bid by more than one of such means.

BOND DETAILS: The bonds will be registered bonds of the denomination of \$5,000 or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, originally dated as of the date of delivery (currently anticipated to be June 9, 2022), numbered in order of registration, and will bear interest from their date payable on November 1, 2022 and semiannually thereafter.

The bonds will mature on the 1st day of November in each of the years as follows:

<u>November 1</u>	<u>Amount</u>	<u>November 1</u>	<u>Amount</u>
2024	\$	2034	\$
2025		2035	
2026		2036	
2027		2037	
2028		2038	
2029		2039	
2030		2040	
2031		2041	
2032		2042	
2033			

*ADJUSTMENT OF TOTAL PAR AMOUNT OF BONDS AND PRINCIPAL MATURITIES: The City reserves the right to adjust the aggregate principal amount of the bonds after receipt of the bids and prior to final award, if necessary, so that the purchase price of the bonds will provide an amount determined by the City to be sufficient to construct the project and to pay costs of issuance of the bonds. The adjustments, if necessary, will be in increments of \$5,000. The purchase price will be adjusted proportionately to the increase or decrease in issue size, but the interest rates specified by the successful bidder for all maturities will not change. The successful bidder may not withdraw its bid as a result of any changes made within these limits.

*ADJUSTMENT TO PURCHASE PRICE: Should any adjustment to the aggregate principal amount of the bonds be made by the City, the purchase price of the bonds will be adjusted by the City proportionally to the adjustment in principal amount of the bonds. The adjusted purchase price will reflect changes in the dollar amount of the underwriter's discount and original issue discount/premium, if any, but will not change the per-bond underwriter's discount as calculated from the bid and initial reoffering prices.

PRIOR REDEMPTION OF BONDS: Bonds maturing in the years 2024 to 2031, inclusive, shall not be subject to redemption prior to maturity. Bonds or portions of bonds in multiples of \$5,000 maturing in the year 2032 and thereafter shall be subject to redemption prior to maturity, at the option of the City, in any order of maturity and by lot within any maturity, on any date on or after November 1, 2031, at par and accrued interest to the date fixed for redemption.

In case less than the full amount of an outstanding bond is called for redemption, the transfer agent, upon presentation of the bond called for redemption, shall register, authenticate and deliver to the registered owner of record a new bond in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given to the registered owner of any bond or portion thereof called for redemption by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered address of the registered owner of record. A bond or

portion thereof so called for redemption shall not bear interest after the date fixed for redemption, whether or not presented for redemption, provided funds are on hand with the transfer agent to redeem said bond or portion thereof.

TERM BOND OPTION: The initial purchaser of the bonds may designate any one or more maturities as term bonds. The amounts of the maturities which are aggregated in a designated term bond shall be subject to mandatory redemption on November 1 of the years and in the amounts set forth in the above maturity schedule at a redemption price of par, plus accrued interest to the date of mandatory redemption. Term bonds or portions thereof mandatorily redeemed shall be selected by lot. Any such designation must be made at the time bids are submitted and must be listed on the bid.

INTEREST RATE AND BIDDING DETAILS: The bonds shall bear interest at a rate or rates not exceeding 5.00% per annum, to be fixed by the bids therefor, expressed in multiples of 1/8 or 1/100 of 1% or both. The interest on any one bond shall be at one rate only and all bonds maturing in any one year must carry the same interest rate. No proposal for the purchase of less than all of the bonds or at a price less than 99% of their par value will be considered.

BOOK-ENTRY ONLY: Unless otherwise requested by the purchaser, the bonds will be issued in book-entry-only form as one fully registered bond per maturity and will be registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company ("DTC"), New York, New York. DTC will act as securities depository for the bonds. Purchase of the bonds will be made in book-entry-only form, in the denomination of \$5,000 or any multiple thereof. Purchasers will not receive certificates representing their interest in bonds purchased. It will be the responsibility of the purchaser to obtain DTC eligibility. Failure of the purchaser to obtain DTC eligibility shall not constitute cause for a failure or refusal by the purchaser to accept delivery of and pay for the bonds.

TRANSFER AGENT AND REGISTRATION: Principal shall be payable at the principal corporate trust office of The Huntington National Bank, Grand Rapids, Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner of record not less than 60 days prior to an interest payment date. Interest shall be paid by check mailed to the registered owner of record as shown on the registration books of the City as of the 15th day of the month prior to an interest payment date. The bonds will be transferred only upon the registration books of the City kept by the transfer agent.

PURPOSE AND SECURITY: The bonds are authorized for the purpose of paying the cost of acquiring and constructing certain capital improvements for the City. The bonds will be a first budget obligation of the City, payable from the general funds of the City including the collection of ad valorem taxes on all taxable property in the City subject to applicable constitutional, statutory and charter tax rate limitations. The rights or remedies of bondholders may be affected by bankruptcy, insolvency, fraudulent conveyance or other laws affecting creditors' rights generally now existing or hereafter enacted and by the application of general principles of equity including those relating to equitable subordination.

AWARD OF BONDS-TRUE INTEREST COST: The bonds will be awarded to the bidder whose bid produces the lowest true interest cost determined in the following manner: the

lowest true interest cost will be the single interest rate (compounded on November 1, 2022 and semi-annually thereafter) necessary to discount the debt service payments from their respective payment date to the date of closing, in an amount equal to the price bid, excluding accrued interest. Each bidder shall state in its bid the true interest cost to the City, computed in the manner specified above.

TAX MATTERS: In the opinion of Miller, Canfield, Paddock and Stone, P.L.C., bond counsel, under existing law, assuming compliance with certain covenants, interest on the bonds is excludable from gross income for federal income tax purposes as described in the opinion, and the bonds and interest thereon are exempt from all taxation by the State of Michigan or any taxing authority within the State of Michigan except estate taxes and taxes on gains realized from the sale, payment or other disposition thereof.

ISSUE PRICE: The winning bidder shall assist the City in establishing the issue price of the bonds and shall execute and deliver to the City at closing an “issue price” or similar certificate setting forth the reasonably expected initial offering price to the public or the sales price or prices of the bonds, together with the supporting pricing wires or equivalent communications, substantially in the form attached either as Appendix __ or Appendix __ of the preliminary official statement, with such modifications as may be appropriate or necessary, in the reasonable judgment of the winning bidder, the City and Bond Counsel.

The City intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining “competitive sale” for purposes of establishing the issue price of the bonds) will apply to the initial sale of the bonds (the “Competitive Sale Requirements”) because:

- a. the City is disseminating this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters;
- b. all bidders shall have an equal opportunity to bid;
- c. the City anticipates receiving bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and
- d. the City anticipates awarding the sale of the bonds to the bidder who submits a firm offer to purchase the bonds at the lowest true interest cost, as set forth in this Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the bonds, as specified in the bid.

In the event that all of the Competitive Sale Requirements are not satisfied, the City shall so advise the winning bidder. The City will not require bidders to comply with the “hold-the-offering price rule,” and therefore does not intend to use the initial offering price to the public as of the sale date of any maturity of the bonds as the issue price of that maturity, though the winning bidder, in consultation with the City, may elect to apply the “hold-the-offering price rule” (as described below). Bids will not be subject to cancellation in the event the Competitive Sale Requirements are not satisfied. Unless a bidder intends to apply the “hold-the-offering

price rule” (as described below), bidders should prepare their bids on the assumption that all of the maturities of the bonds will be subject to the 10% Test (as described below). The winning bidder must notify the City of its intention to apply either the “hold-the-offering price rule” or the 10% Test at or prior to the time the bonds are awarded.

If the winning bidder does not request that the “hold-the-offering price rule” apply to determine the issue price of the bonds, the following two paragraphs shall apply:

- a. The City shall treat the first price at which 10% of a maturity of the bonds (the “10% Test”) is sold to the public as the issue price of that maturity, applied on a maturity-by-maturity basis. The winning bidder shall advise the City if any maturity of the bonds satisfies the 10% Test as of the date and time of the award of the bonds; and
- b. Until the 10% Test has been satisfied as to each maturity of the bonds, the winning bidder agrees to promptly report to the City the prices at which the unsold bonds of that maturity have been sold to the public. That reporting obligation shall continue, whether or not the closing date has occurred, until either (i) all bonds of that maturity have been sold or (ii) the 10% Test has been satisfied as to the bonds of that maturity, provided that, the winning bidder’s reporting obligation after the closing date may be at reasonable periodic intervals or otherwise upon request of the City or bond counsel.

If the winning bidder does request that the “hold-the-offering price rule” apply to determine the issue price of the bonds, then the following three paragraphs shall apply:

- a. The winning bidder, in consultation with the City, may determine to treat (i) pursuant to the 10% Test, the first price at which 10% of a maturity of the bonds is sold to the public as the issue price of that maturity and/or (ii) the initial offering price to the public as of the sale date of any maturity of the bonds as the issue price of that maturity (the “hold-the-offering price rule”), in each case applied on a maturity-by-maturity basis. The winning bidder shall advise the City if any maturity of the bonds satisfies the 10% Test as of the date and time of the award of the bonds. The winning bidder shall promptly advise the City, at or before the time of award of the bonds, which maturities of the bonds shall be subject to the 10% Test or shall be subject to the hold-the-offering price rule or both.
- b. By submitting a bid, the winning bidder shall (i) confirm that the underwriters have offered or will offer the bonds to the public on or before the date of the award at the offering price or prices (the “initial offering price”), or at the corresponding yield or yields, set forth in the bid submitted by the winning bidder, and (ii) if the hold-the-offering-price rule applies, agree, on behalf of the underwriters participating in the purchase of the bonds, that the underwriters will neither offer nor sell unsold bonds of any maturity to which the hold-the-offering-price rule shall apply to any person at a price that is higher than the initial offering price to the public during the period starting on the sale date and ending on the

earlier of the following:

- i. the close of the fifth (5th) business day after the sale date; or
- ii. the date on which the underwriters have sold at least 10% of that maturity of the bonds to the public at a price that is no higher than the initial offering price to the public;

The winning bidder shall promptly advise the City when the underwriters have sold 10% of that maturity of the bonds to the public at a price that is no higher than the initial offering price to the public, if that occurs prior to the close of the fifth (5th) business day after the sale date.

- c. The City acknowledges that, in making the representation set forth above, the winning bidder will rely on (i) the agreement of each underwriter to comply with the requirements for establishing issue price of the bonds, including, but not limited to, its agreement to comply with the hold-the-offering price rule, if applicable to the bonds, as set forth in an agreement among underwriters and the related pricing wires, (ii) in the event a selling group has been created in connection with the initial sale of the bonds to the public, the agreement of each dealer who is a member of the selling group to comply with the requirements for establishing issue price of the bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the bonds, as set forth in a selling group agreement and the related pricing wires, and (iii) in the event that an underwriter or dealer who is a member of the selling group is a party to a third-party distribution agreement that was employed in connection with the initial sale of the bonds to the public, the agreement of each broker-dealer that is a party to such agreement to comply with the requirements for establishing issue price of the bonds, including, but not limited to, its agreement to comply with the hold-the-offering price rule, if applicable to the bonds, as set forth in the third-party distribution agreement and the related pricing wires. The City further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the requirements for establishing issue price of the bonds, including, but not limited to, its agreement to comply with the hold-the-offering price rule, if applicable to the bonds, and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a third-party distribution agreement to comply with its corresponding agreement to comply with the requirements for establishing issue price of the bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the bonds.

By submitting a bid, each bidder confirms that:

- a. any agreement among underwriters, any selling group agreement and each third-party distribution agreement (to which the bidder is a party) relating to the initial sale of the bonds to the public, together with the related pricing wires, contains or

will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such third-party distribution agreement, as applicable, (A)(i) to report the prices at which it sells to the public the unsold bonds of each maturity allocated to it, whether or not the closing date has occurred, until either all bonds of that maturity allocated to it have been sold or it is notified by the winning bidder that the 10% Test has been satisfied as to the bonds of that maturity, provided that, the reporting obligation after the closing date may be at reasonable periodic intervals or otherwise upon request of the winning bidder, and (ii) to comply with the hold-the-offering price rule, if applicable, if and for so long as directed by the winning bidder and as set forth in the related pricing wires, (B) to promptly notify the winning bidder of any sales of bonds that, to its knowledge, are made to a purchaser who is a related party to an underwriter participating in the initial sale of the bonds to the public (each such term being used as defined below), and (C) to acknowledge that, unless otherwise advised by the underwriter, dealer or broker-dealer, the winning bidder shall assume that each order submitted by the underwriter, dealer or broker-dealer is a sale to the public.

- b. any agreement among underwriters or selling group agreement relating to the initial sale of the bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter or dealer that is a party to a third-party distribution agreement to be employed in connection with the initial sale of the bonds to the public to require each broker-dealer that is a party to such third-party distribution agreement to (i) report the prices at which it sells to the public the unsold bonds of each maturity allocated to it, whether or not the closing date has occurred, until either all bonds of that maturity allocated to it have been sold or it is notified by the winning bidder or such underwriter that the 10% Test has been satisfied as to the bonds of that maturity, provided that, the reporting obligation after the closing date may be at reasonable periodic intervals or otherwise upon request of the winning bidder or such underwriter, and (ii) comply with the hold-the-offering-price rule, if applicable, if and for so long as directed by the winning bidder or the underwriter and as set forth in the related pricing wires.
- c. sales of any bonds to any person that is a related party to an underwriter shall not constitute sales to the public for purposes of this Notice of Sale.

Further, for purposes of this Notice of Sale:

- a. “public” means any person other than an underwriter or a related party,
- b. “underwriter” means (A) any person that agrees pursuant to a written contract with the City (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the bonds to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the bonds to the public (including a member of a selling group or a party to a third-party distribution agreement

participating in the initial sale of the bonds to the public);

- c. a purchaser of any of the bonds is a “related party” to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (i) more than 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (ii) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (iii) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other); and
- d. “sale date” means the date that the bonds are awarded by the City to the winning bidder.

“QUALIFIED TAX EXEMPT OBLIGATIONS”: The City has designated the bonds as “qualified tax-exempt obligations” for purposes of the deduction of interest expense by financial institutions pursuant to the Code.

LEGAL OPINION: Bids shall be conditioned upon the approving opinion of Miller, Canfield, Paddock and Stone, P.L.C., attorneys of Detroit, Michigan, a copy of which opinion will be furnished without expense to the purchaser of the bonds at the delivery thereof. The fees of Miller, Canfield, Paddock and Stone, P.L.C. for services rendered in connection with such approving opinion are expected to be paid from bond proceeds. Except to the extent necessary to issue its approving opinion as to validity of the above bonds, Miller, Canfield, Paddock and Stone, P.L.C. has not been requested to examine or review and has not examined or reviewed any financial documents, statements or materials that have been or may be furnished in connection with the authorization, issuance or marketing of the bonds, and accordingly will not express any opinion with respect to the accuracy or completeness of any such financial documents, statements or materials. In submitting a bid for the bonds, the bidder agrees to the representation of the City by Miller, Canfield, Paddock and Stone, P.L.C., as bond counsel.

DELIVERY OF BONDS: The City will furnish bonds ready for execution at its expense. Bonds will be delivered without expense to the purchaser through DTC in New York, New York, or such other place to be agreed upon. The usual closing documents, including a certificate that no litigation is pending affecting the issuance of the bonds, will be delivered at the time of delivery of the bonds. If the bonds are not tendered for delivery by twelve o’clock noon, prevailing Eastern Time, on the 45th day following the date of sale, or the first business day thereafter if said 45th day is not a business day, the successful bidder may on that day, or any time thereafter until delivery of the bonds, withdraw its proposal by serving notice of cancellation, in writing, on the undersigned. Payment for the bonds shall be made in Federal Reserve Funds.

CUSIP NUMBERS: It is anticipated that CUSIP numbers will be printed on the bonds, but neither the failure to print CUSIP numbers nor any improperly printed CUSIP numbers shall

be cause for the purchaser of the bonds to refuse to take delivery of and pay for the bonds. Application for CUSIP numbers will be made by Baker Tilly Municipal Advisors, LLC, municipal advisor to the City. The CUSIP Service Bureau's charge for the assignment of CUSIP identification numbers shall be paid by the purchaser of the bonds.

OFFICIAL STATEMENT: A preliminary Official Statement that the City deems to be final as of its date, except for the omission of information permitted to be omitted by Rule 15c2-12 of the Securities and Exchange Commission, has been prepared and may be obtained from Baker Tilly Municipal Advisors, LLC, municipal advisor to the City, at the address and telephone listed under MUNICIPAL ADVISOR below. Baker Tilly Municipal Advisors, LLC will provide the winning bidder with 100 final Official Statements within 7 business days from the date of sale to permit the purchaser to comply with Securities and Exchange Commission Rule 15c2-12. Additional copies of the Official Statement will be supplied by Baker Tilly Municipal Advisors, LLC, upon request and agreement by the purchaser to pay the cost of additional copies. Requests for additional copies should be made to Baker Tilly Municipal Advisors, LLC within 24 hours of the time of sale.

BOND INSURANCE AT PURCHASER'S OPTION: If the bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of the bidder/purchaser, the purchase of any such insurance policy or the issuance of any such commitment shall be at the option and expense of the purchaser of the bonds. Any and all increased costs of issuance of the bonds resulting from such purchase of insurance shall be paid by the purchaser, except that if the City has requested and received a rating on the bonds from a rating agency, the City shall pay the fee for the requested rating. Any other rating agency fees shall be the responsibility of the purchaser. FAILURE OF THE MUNICIPAL BOND INSURER TO ISSUE THE POLICY AFTER THE BONDS HAVE BEEN AWARDED TO THE PURCHASER SHALL NOT CONSTITUTE CAUSE FOR FAILURE OR REFUSAL BY THE PURCHASER TO ACCEPT DELIVERY OF THE BONDS FROM THE CITY.

CONTINUING DISCLOSURE: As described more fully in the Official Statement, the City has agreed to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, on or prior to the last day of the sixth month after the end of each fiscal year commencing with the fiscal year ending June 30, 2022, (i) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year, generally consistent with the information contained or cross-referenced in the Official Statement relating to the bonds, (ii) timely notice of the occurrence of certain material events with respect to the bonds and (iii) timely notice of a failure by the City to provide the required annual financial information on or before the date specified in (i) above.

BIDDER CERTIFICATION: NOT "IRAN-LINKED BUSINESS" By submitting a bid, the bidder shall be deemed to have certified that it is not an "Iran-Linked Business" as defined in Act 517 Michigan Public Acts of 2012, being MCL 129.311 et. seq.

MUNICIPAL ADVISOR: Further information relating to the bonds may be obtained from Baker Tilly Municipal Advisors, LLC, 2852 Eyde Parkway, Suite 150, East Lansing, Michigan 48823. Telephone (517) 321-0110.

ENVELOPES containing the bids should be plainly marked “Proposal for 2022 Capital Improvement Bonds (Limited Tax General Obligation).”

THE RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.

Cheryl E. Rottmann
City Clerk, City of Madison Heights

[End Notice of Sale Form]

8. Useful Life of Project. The estimated period of usefulness of the Project is hereby declared to be not less than twenty-five (25) years.

9. Award of Bonds; Sale Order. Each Authorized Officer is hereby authorized on behalf of the City to award the sale of the Bonds pursuant to a sale order to the bidder whose bid meets the requirements of law and which produces the lowest true interest cost to the City computed in accordance with the terms of the official notice of sale as published; *provided* that the principal amount of Bonds issued shall not exceed the principal amount authorized in this resolution, the interest rate on the Bonds shall not exceed five percent (5.00%) per annum, and the purchase price shall not be less than 99.00% of the par amount of the Bonds.

10. 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 Bonds from gross income for federal income tax purposes under 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. The City hereby designates the Bonds as “qualified tax-exempt obligations” for purposes of deduction of interest expense by financial institutions pursuant to the Code.

11. Official Statement; Qualification for Insurance; Ratings. Any Authorized Officer is authorized and directed to cause the preparation and circulation of a preliminary and final Official Statement with respect to the Bonds; to procure qualification of the Bonds for a policy of municipal bond insurance if deemed appropriate by the City’s municipal advisor; and to obtain ratings on the Bonds. Each Authorized Officer is further authorized to execute and deliver the final Official Statement relating to the Bonds on behalf of the City and to approve, execute and deliver any amendments and supplements to the Official Statement necessary to assure that the statements therein are, and as of the time the Bonds are delivered to the purchaser will be true, and that it does not contain any untrue statement of a material fact and does not omit to state a material fact necessary in order to make the statements therein, in light of the circumstances under which they were made, not misleading.

12. Continuing Disclosure. The City agrees to enter into a continuing disclosure undertaking for the benefit of the holders and beneficial owners of the Bonds in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, and any Authorized Officer is hereby authorized to execute such undertaking prior to delivery of the Bonds.

13. Adjustment of Bond Terms; Authorization of Other Actions. Each Authorized Officer is hereby authorized to adjust the final bond details to the extent necessary or convenient to complete the transaction authorized in this resolution, and in pursuance of the foregoing are each 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 series, and other matters, all subject to the parameters established in this resolution. The Authorized Officers are each authorized and directed to take all other actions necessary or advisable to effectuate the sale, issuance and delivery of the Bonds.

14. Bond Counsel. Miller, Canfield, Paddock and Stone, P.L.C. is hereby approved as bond counsel for the Bonds, notwithstanding periodic representation in unrelated matters of parties or potential parties to the transaction contemplated by this resolution.

15. Financial Advisor. Baker Tilly Municipal Advisors, LLC is retained as the registered municipal advisor to the City in connection with the issuance of the Bonds.

16. Rescission. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Yeas: Aaron, Fleming, Rohrbach, Soltis, Grafstein
Nays: None
Abstain: Wright
Absent: Bliss
Motion carried.

CM-22-143. First Amendment to the City Manager's Employment Agreement.

Motion by Councilor Rohrbach, seconded by Councilman Fleming, to approve the First Amendment to the City Manager's Employment Agreement.

Yeas: Aaron, Fleming, Rohrbach, Soltis, Wright, Grafstein
Nays: None
Absent: Bliss
Motion carried.

CM-22-144. Fire Department Wellness Grant Equipment Purchase.

Motion by Councilman Soltis, seconded by Councilman Fleming, to approve the purchase of the fitness equipment listed in the quote from Rogue Fitness in the amount of \$17,797.32 and authorize the City to proceed with fulfilling its terms under the grant.

Yeas: Aaron, Fleming, Rohrbach, Soltis, Wright, Grafstein

Nays: None
Absent: Bliss
Motion carried.

CM-22-145. Ordinance No. 2180, Amendment to Precinct 8 Polling Location – Second Reading.

Motion by Councilor Rohrbach, seconded by Councilman Soltis, to approve Ordinance No. 2180, Amendment to Precinct 8 Polling Location on Second Reading as follows:

ORDINANCE NO. 2180

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 10, SECTION 10-1, OF THE CODE OF ORDINANCES, CITY OF MADISON HEIGHTS, MICHIGAN, AMENDMENT TO POLLING LOCATIONS FOR THE CITY OF MADISON HEIGHTS

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 10, Section 10-1 of the Code of Ordinance, City of Madison Heights, Michigan, is hereby amended as follows:

Sec. 10-1. Precincts established; numbers, boundaries.

- (b) The following precincts are hereby established and shall be referred to by number, as follows:

Precinct No. 8 shall be the area bounded as follows: Beginning at the intersection of Twelve Mile Road and the Chrysler Expressway; thence east along Twelve Mile Road to John R Road to Point A; thence south along John R Road to Gardenia Avenue; thence west along Gardenia to Dartmouth Street; thence north along Dartmouth Street to Bellaire Avenue; thence west along Bellaire Avenue to the Chrysler Expressway; thence north along the Chrysler Expressway to the point of beginning; thence continuing from said Point A north along John R Road to a line parallel to the south one-half of Section 12, Township 1 North, Range 11 East; thence east to Dequindre Road; thence south along Dequindre Road to Twelve Mile Road; thence west along Twelve Mile to Point A. The voting place shall be at the John Page Middle School, 29615 Tawas

Section 2. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 5. Effective Date.

This Ordinance as ordered shall take effect ten (10) days after its adoption and upon publication.

Section 6. Inspection.

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

Yeas: Aaron, Fleming, Rohrbach, Soltis, Wright, Grafstein
Nays: None
Absent: Bliss
Motion carried.

CM-22-146. Minutes.

Motion by Councilman Fleming, seconded by Councilor Rohrbach, to approve the Special City Council meeting minutes of 04-11-22, as printed.

Yeas: Aaron, Fleming, Rohrbach, Soltis, Wright, Grafstein
Nays: None
Absent: Bliss
Motion carried.

CM-22-147. Minutes.

Motion by Councilor Rohrbach, seconded by Councilwoman Aaron, to approve the Regular City Council meeting minutes of 04-11-22, and the Special City Council meeting minutes of 04-18-22, as printed.

Yeas: Aaron, Fleming, Rohrbach, Soltis, Wright, Grafstein
Nays: None
Absent: Bliss
Motion carried.

CM-22-148. Mayor and Council - Comments.

Councilwoman Aaron is excited for the 2022 Festival in the Park Fireworks Display. She shared that May is Mental Health Awareness Month and spoke about the importance of mental health.

Councilor Wright concurred with the importance of mental health and May 5th as the National Day of Prayer. He congratulated Police Chief Haines and his department for receiving their accreditation. Councilor Wright sends his regards to former HREC Chairperson Cemone Moy and thanked her for her commitment to the City. He expressed his appreciation for City Manager Marsh, DPS Director Almas and Public Works Supervisor Ballantine for their participation at the recent Active Adult Center Advisory Board meeting. Councilor Wright encouraged everyone to be kind.

City Attorney Sherman commended Police Chief Haines, Deputy Chief LeMerise and their department on accomplishing their accreditation.

City Manager Marsh praised our dependable Police Department on obtaining their accreditation. She congratulated the Fire Department for the purchase of their exercise equipment.

Deputy City Clerk Boucher had no comments this evening.

Councilor Rohrbach congratulated Police Chief Haines and his department for a job well done. She briefly spoke about the Oakway Fire Ops 101 class for elected officials and supports the FEMA Wellness Grant to help improve our Fire Departments facilities. She gave a special thanks to the paramedics and first responders for helping in our community.

Councilman Fleming thanked Police Chief Haines and his department for the great accomplishment of their accreditation. He shared that April is Autism Awareness Month and National Donate Life Month. Our Fire Department had a fundraiser selling t-shirts for Autism Awareness Month and donations went to an organization in the City to support autism. Councilman Fleming reminded everyone that as of May 3rd, Real Identification is required in the State of Michigan; this is separate from the Enhanced Driver's License that allows residents to cross the Canadian and Mexican borders.

Councilman Soltis stated that he is proud of the Police Department and expressed his thanks to Chief Haines for doing a great job. He has been on

Council for eight years and it is impressive the progress the Police Department has made. Everyone does a fantastic job. He stated that he started teaching and he has noticed a lot of anxiety with the students, regardless of age. He recommended that adults refrain from smoking marihuana around minors and it is detrimental to children. He thanked everyone for attending this evening.

Mayor Grafstein echoed congratulation comments on the Police Department's Accreditation. She thanked Councilwoman Aaron for addressing mental health. Unfortunately, although there is more help, there is still a stigma associated with mental health issues. Please try to listen and be kind. Like so many issues, mental health needs to be addressed year round, not just for a month. For those that may need help, you can call Common Ground. She stated that she is excited about Festival in the Park fireworks returning this year. She noted that the *5K Run/Walk for the Health of It* was last week and was a great family event. A few people have called her regarding speeding and this seems to be exasperated due to construction. Please be vigilant as a driver or pedestrian. It is coyote mating season, so keep an eye out and watch out for your children and pets. She addressed comments on panhandlers, stating this is not just a Madison Heights issue. The bottom line is panhandling is considered freedom of speech and not illegal. The next meeting is May 9th.

CM-22-149. Adjournment.

There being no further business, the meeting was adjourned at 8:31 p.m.

Roslyn Grafstein
Mayor

Phommady A. Boucher
Deputy City Clerk