

November 19, 2012

**CITY OF OAK PARK  
REGULAR COUNCIL MEETING  
NOVEMBER 19, 2012**

**MINUTES**

The meeting was called to order at 7:03 PM by Mayor ProTem Jackson in the Council Chambers of City Hall located at 13600 Oak Park Boulevard, Oak Park, MI 48237.

**PRESENT:** Mayor ProTem Jackson, Council Member Duplessis, Council Member Levine, Council Member Seligson

**ABSENT:** Mayor McClellan

**OTHERS PRESENT:** City Manager Tungate, City Clerk Norris, City Attorney Carlson

Mayor ProTem Jackson indicated that Mayor McClellan was out of town on personal business and will return by the next meeting.

**APPROVAL OF AGENDA:**

**CM-11-369-12            ADOPTION OF THE AGENDA – APPROVED**

Motion by Duplessis, seconded by Levine, CARRIED UNANIMOUSLY to adopt the agenda as presented.

**MOTION DECLARED ADOPTED.**

**APPROVAL OF COUNCIL MEETING MINUTES:**

**CM-11-370-12            MINUTES OF THE REGULAR COUNCIL MEETING OF  
NOVEMBER 5, 2012 AND THE SPECIAL COUNCIL MEETING  
OF NOVEMBER 5, 2012 – APPROVED**

Motion by Seligson, seconded by Duplessis, CARRIED UNANIMOUSLY to approve the Minutes of the Regular Council Meeting of November 5, 2012 and the Special Council Meeting of November 5, 2012 as presented.

Council Member Levine asked for clarification of item # SCM-11-350-12 in the City Attorney Report.

**MOTION DECLARED ADOPTED.**

**SPECIAL RECOGNITION/PRESENTATION - None**

**PUBLIC HEARINGS - None**

**COMMUNICATIONS: Public Correspondence**

**CM-10-371-12 NOTICE OF HEARING FOR THE CUSTOMERS OF THE  
DETROIT EDISON CO. CASE NO. U-17097 - RECEIVED**

Motion by Seligson, seconded by Levine, CARRIED UNANIMOUSLY, to receive the Notice of Hearing for the customers of the Detroit Edison Co. Case No. U-17097.

**MOTION DECLARED ADOPTED.**

**CM-11-372-12 TEMPORARY SIGN REQUEST BY GREENFIELD PLAZA  
SHOPS, 21700 GREENFIELD ROAD - APPROVED**

Motion by Seligson, seconded by Duplessis, CARRIED UNANIMOUSLY to approve a temporary sign request by Greenfield Plaza Shops, 21700 Greenfield Road to display two 24 square foot signs to be placed at each entrance off of Greenfield Road from November 24, 2012 through December 24, 2012 subject to the following conditions:

1. The temporary sign shall not be placed in or project over the right-of-way.
2. The temporary sign shall not create an obstruction or traffic hazard.
3. Payment of Temporary Sign Permit fee and posting of \$50.00 bond.

**MOTION DECLARED ADOPTED.**

**CM-11-373-12 TEMPORARY SIGN REQUEST BY IN TOUCH  
COMMUNICATION, 21830 GREENFIELD ROAD  
- APPROVED**

Motion by Seligson, seconded by Levine, CARRIED UNANIMOUSLY to approve a temporary sign request by In Touch Communication, 21830 Greenfield Road to display a 30 foot banner sign on front of building from November 20, 2012 through December 20, 2012 subject to the following conditions:

1. The temporary sign shall not be placed in or project over the right-of-way.
2. The temporary sign shall not create an obstruction or traffic hazard.
3. Payment of Temporary Sign Permit fee and posting of \$50.00 bond.

**MOTION DECLARED ADOPTED.**

**CM-11-374-12****MERCHANT'S LICENSES - APPROVED**

Motion by Seligson, seconded by Levine, CARRIED UNANIMOUSLY, to approve the following Merchant's Licenses subject to all departmental approvals:

<u>MERCHANT</u>	ADDRESS	FEE
<u>INITIALS – 2012</u>		
KASHAT SPICES	23141 COOLIDGE HWY	\$100.00
AL-HADWAN WIRELESS	22118 COOLIDGE HWY	\$100.00
ONE-STOP CASH ADVANCE	8530 W. 9 MILE UNIT A	\$100.00
OAK PARK IMAGING	13161 W. 10 MILE	\$100.00

Roll Call Vote:       Yes:   Jackson, Duplessis, Levine, Seligson  
                              No:   None  
                              Absent: McClellan

**MOTION DECLARED ADOPTED.**

**ACCOUNTING REPORTS:****CM-11-375-12****RESOLUTION APPROVING CITY ATTORNEY  
COMPENSATION FOR OCTOBER 2012 - APPROVED**

Motion by Levine, Seconded by Seligson, CARRIED UNANIMOUSLY to adopt a resolution approving City Attorney compensation for October 2012 as submitted:

**CITY OF OAK PARK  
OAKLAND COUNTY, MICHIGAN**

**Resolution Approving Payment of Fees**

WHEREAS, the City Attorney has performed services for the City of Oak Park for the month of October 2012 and has submitted bills for such services.

WHEREAS, the City Attorney may be entitled to receive compensation for such services;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oak Park, Michigan that the following bills of the City Attorney are approved for payment from the appropriate funds, including the bill for base retainer services in accordance with the contract for such services:

Hock/Gadd v City of Oak Park

5,147.90

State Revenue Sharing Litigation	11,893.55
2010 Michigan Tax Tribunal Appeals	1,249.50
Base Retainer Services for November 2012	<u>6,750.00</u>
Total	\$25,040.95

Roll Call Vote:       Yes:   Jackson, Duplessis, Levine, Seligson  
                               No:   None  
                               Absent: McClellan

Councilmember Seligson asked for an update on the State Revenue Sharing Litigation. Attorney Carlson responded that this will be the last bill of this size and that there is still a court proceeding scheduled for January. Council Member Levine asked if we were successful in creating a payment plan regarding the Providence Green Tax Tribunal case. Attorney Carlson indicated that there has not been an agreement to date but new developments will be brought to Council at an upcoming special meeting.

**MOTION DECLARED ADOPTED.**

**CM-11-376-12                   APPROVAL OF RETAINER INVOICE #11785 FOR HOWARD L. SHIFMAN, P.C. - POSTPONED**

Motion by Jackson, Seconded by Seligson, CARRIED UNANIMOUSLY, to postpone paying Invoice # 11785 to Howard. L. Shifman, P.C. in the amount of \$14,000 for retained services from January 1, 2013 thru March 31, 2013.

Mayor ProTem Jackson had questions regarding the invoice dates and retainer fees paid in advance and suggested that approval be postponed until the next meeting.

**REPORT ON BIDS:**

**CM-11-377-12                   BID AWARD TO COMPTON PRESS INDUSTRIES FOR THE PRINTING OF THE 2013 ANNUAL REPORT CALENDAR - APPROVED**

Motion by Seligson, Seconded by Levine, CARRIED UNANIMOUSLY, to award the low bid of \$6,806 to Compton Press Industries for the production of the Oak Park 2013 Annual Report/Calendar.

City Manager Tungate confirmed that the bid is for printing costs only. Levine asked if this will be paid from proceeds from Cable Television. Mr. Tungate responded that funds for the calendar will come from the fund balance.

**CM-11-378-12                    RESOLUTION APPROVING SALE OF CITY OF OAK PARK,  
COUNTY OF OAKLAND, STATE OF MICHIGAN  
2012 REFUNDING BONDS (UNLIMITED TAX GENERAL  
OBLIGATION) - APPROVED**

Motion by Seligson, Seconded by Jackson, CARRIED UNANIMOUSLY, to approve the following resolution approving sale of City of Oak Park, County of Oakland, State of Michigan 2012 Refunding Bonds:

**RESOLUTION APPROVING SALE OF CITY OF OAK PARK,  
COUNTY OF OAKLAND, STATE OF MICHIGAN  
2012 REFUNDING BONDS (UNLIMITED TAX GENERAL OBLIGATION)**

At a regular meeting of the City Council of the City of Oak Park, Oakland County, Michigan, held in the Council Chambers located at 13600 Oak Park Boulevard, Oak Park, Michigan 48237 at 7:00 p.m., Eastern Standard Time, on the 19th day of November, 2012.

The meeting was called to order by: Mayor Mayor ProTem Angela Diggs Jackson

Present: Mayor Pro Tem Jackson, Council Member Duplessis, Council Member Seligson, Council Member Levine

Absent: Mayor McClellan

The following resolution was offered by Council Member Duplessis and seconded by Council Member Levine.

**WHEREAS**, the City Council of the City, at its regular meeting held on October 1, 2012, adopted a resolution (the "Bond Authorizing Resolution") authorizing the issuance of 2012 Refunding Bonds (Unlimited Tax General Obligation) in an amount not to exceed Nine Million Nine Hundred Thousand (\$9,900,000.00) Dollars (the "Bonds") for the purpose of refunding or advance refunding all or a portion of the outstanding bonds of the City's 2003 Street Improvement Bonds (Unlimited Tax General Obligation), dated March 1, 2003 and maturing May 1, 2014 through May 1, 2028 (the "Prior Bonds"), in order to accomplish a net savings of debt service costs; and

**WHEREAS**, the Michigan Department of Treasury (the "Department") on January 20, 2012, issued its order determining that the City is qualified to issue municipal securities without further approval of the Department; and

**WHEREAS**, Monday, November 19, 2012, until 1:00 p.m., Eastern Standard Time, was set as the date and time for the opening of bids for the purchase of the Bonds; and

**WHEREAS**, said bids have been publicly opened and read; and

**WHEREAS**, bids have been received as set forth in Exhibit A, attached; and

**AND WHEREAS**, the bid of Stifel, Nicolaus & Company, Inc. has been determined to produce the lowest true interest cost to the City.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The bid of Stifel, Nicolaus & Company, Inc. as above-stated, be and the same is hereby accepted.
2. The Council hereby approves the decrease of the aggregate principal amount of the Bonds by \$250,000 to provide adequate funds to advance refund the Prior Bonds, such that the principal amounts of the maturities of the bonds total Nine Million, One Hundred and Fifty Thousand (\$9,150,000) Dollars and are as shown on Exhibit B.
3. Checks of the unsuccessful bidders shall be returned to each bidder's representative or by registered mail.
4. US Bank, NA, Detroit, Michigan is hereby approved as Paying Agent and Bond Registrar for the Bonds.
5. The Mayor and City Clerk are hereby authorized and directed to sign or have their facsimile signatures affixed to the Bonds, and the Director of Finance is authorized and directed to cause the Bonds to be signed manually or by facsimile signature by the authorized representative of US Bank and to be delivered to the purchaser thereof upon receipt of the purchase price and accrued interest thereon from the date of the Bonds to the date of delivery, which funds shall be good and available to the City on the date of delivery. The Bonds shall be delivered on or before 45 days after the date of sale, or the next following business day if the 45<sup>th</sup> day is not a business day.
6. The Mayor, City Clerk, City Manager and Director of Finance are hereby further authorized and directed to execute the necessary documents, to provide all documents necessary and to cause the same to be available for delivery to the purchaser of the Bonds upon the date of closing; to execute the agreement with US Bank for appointment of and payment for Bond Registrar and Paying Agent duties; and to execute an agreement with US Bank to act as escrow agent for calling the Refunded Bonds and paying the principle and interest on the Refunded Bonds.
7. The Bonds shall be dated as of December 20, 2012, and shall mature serially on May 1 in the years and amounts, and shall bear interest payable on May 1, 2013 and semi-annually thereafter each May 1 and November 1, at rates, all as set forth in Exhibit B, attached.
8. **Optional Redemption.** The Bonds maturing on or prior to May 1, 2022, are not subject to optional redemption prior to maturity. Bonds or portions of the Bonds maturing on or after May 1, 2023, shall be subject to optional redemption prior to maturity at the option of the City as set forth in Exhibit B, attached.

9. Upon delivery of the Bonds, the proceeds shall be used as follows: the sum of \$64,220 shall be set aside in a fund designated the 2012 Refunding Bond Issuance Fund and used to pay the costs of issuance of the Bonds, and any balance remaining from that sum after sixty days after the date of issuance of the Bonds after paying such costs of issuance shall be deposited in the Debt Retirement Fund for the Bonds; the sum of \$9,246,359 from the Bonds, together with the sum of \$112,500 which shall be transferred from the Debt Retirement Funds for the Prior Bonds, for a total cost of escrow of \$9,358,859, shall be used to purchase securities and fund a beginning cash balance which shall be transferred to the Trustee as provided in the Escrow Agreement and used for payment of principal of, interest on and redemption premiums, if any, on the Refunded Bonds as provided in the Escrow Agreement. These amounts may be subject to adjustment in order to provide for payment of the Refunded Bonds or as determined by Bond Counsel in order to comply with federal income tax law, present or proposed.

10. There shall be paid into the Debt Retirement Fund for the Bonds sufficient ad valorem property tax revenues or other funds lawfully available therefor to pay and be used solely for the purpose of paying the principal amount of, interest on and redemption premiums, if any, for the Bonds, which levy shall be without limitation as to rate or amount. The accrued interest and premium, if any, received upon delivery of the Bonds shall also be deposited in the Debt Retirement Fund.

11. The Preliminary Official Statement relating to the Bonds dated November 9, 2012 is deemed final for purposes of SEC Rule 15c2-12(b)(1), except for omissions of information as permitted by SEC Rule 15c2-12(b)(1), and its use by the Underwriters is hereby authorized, approved and confirmed.

12. The City Manager and Director of Finance, or either of them, are authorized and directed to execute and deliver prior to closing the Official Statement dated as of November 19, 2012, on behalf of the City. The City Manager and Director of Finance, or either of them, are further authorized 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 Underwriters 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.

13. The City will not invest, reinvest, or accumulate any moneys deemed to be proceeds of the Bonds or the Prior Bonds pursuant to §148 of the Internal Revenue Code of 1986, and the related regulations, in such a manner as to cause the Bonds to be "arbitrage bonds" within the meaning of said §148 of the related regulations.

14. The City hereby covenants to use its best efforts, to the extent permitted by law, to comply with the requirements of the Internal Revenue Code of 1986 in order to maintain the exemption of the interest on the Bonds from general Federal income taxation as opposed to alternative minimum or other indirect taxation.

15. All other resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution be, and the same hereby are, rescinded.

Ayes: Jackson, Duplessis, Levine, Seligson

Nays: None

**RESOLUTION DECLARED ADOPTED.**

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of the City of Oak Park, Oakland County, State of Michigan, at a regular meeting held on November 19, 2012, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

\_\_\_\_\_  
T. Edwin Norris, City Clerk

**EXHIBIT B**

\$9,150,000  
2012 Refunding Bonds  
(Unlimited Tax General Obligation)

Dated Date: December 20, 2012    First Coupon: May 1, 2013

<u>May 1</u> <u>Maturity</u>	<u>Amount</u>	<u>Interest Rate</u>
2014	\$520,000	2.000%
2015	\$555,000	2.000%
2016	\$555,000	2.000%
2017	\$590,000	2.000%
2018	\$590,000	2.000%
2019	\$615,000	2.000%
2020	\$610,000	2.000%
2021	\$605,000	2.000%
2022	\$630,000	2.000%
2023	\$635,000	2.250%
2024	\$640,000	2.250%
2025	\$645,000	2.500%
2026	\$650,000	2.500%
2027	\$650,000	3.000%
2028	\$660,000	3.000%

Redemption Provisions

*Optional Redemption*



The Bonds or portions of the Bonds in multiples of \$5,000 maturing on or after May 1, 2023, are subject to redemption at the option of the City in such order as the City may determine and by lot within any maturity, on any date occurring on or after May 1, 2022, at par plus accrued interest to the date fixed for redemption.

Roll Call Vote:       Yes:     Jackson, Duplessis, Levine, Seligson  
                              No:     None  
                              Absent: McClellan

City Attorney Carlson indicated that this may be the best deal so far in the state of Michigan regarding bond refunding with a 17% savings. He also indicated that there was a reduction in the amount the City is borrowing to \$9.15 Million. Seligson and Jackson thanked City Manager Tungate for his leadership in the refinancing project. Council Member Levine also thanked the residents for keeping Oak Park in a financially stable condition so the city was able to be approved for the bonds at such a low rate, saving the tax payers a lot of money.

**MOTION DECLARED ADOPTED.**

**ORDINANCES: None**

**MONTHLY REPORTS: None**

**CITY ATTORNEY REPORT:**

**CM-11-379-12           SETTLEMENT APPROVAL PER THE STIPULATION FOR  
ENTRY OF CONSENT JUDGEMENT FOR TAX TRIBUNAL  
CASE REGARDING NORTHLAND PLAZA ASSOCIATES, LLC  
V CITY OF OAK PARK   - APPROVED**

Motion by Levine, Seconded by Duplessis, CARRIED UNANIMOUSLY, to adopt the following Stipulation for Entry of Consent Judgment for tax tribunal case No. 414684 regarding Northland Plaza Associates, LLC v City of Oak Park:

**STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
MICHIGAN TAX TRIBUNAL**

NORTHLAND PLAZA ASSOCIATES, LLC,  
Petitioner,

v

MTT Docket No. 414684

OAK PARK,  
Respondent.

**STIPULATION FOR ENTRY OF CONSENT JUDGMENT**

1. The case is pending in the X Entire Tribunal OR \_ Small Claims Division.
2. Property Parcel No: multiple -See Attachment A.
3. The values for the property identified above as established by Respondent's Board of Review are:  
(see Attachment A)
4. The values for the property identified above as stipulated by the parties for settlement purposes  
are:  
(see Attachment A)
5. If stipulation addresses tax years other than the tax year originally appealed or tax years added  
through motions to amend that have been granted by the Tribunal, list the separate facts upon  
which the parties rely to invoke the Tribunal's authority over those tax year or years:
6. List separately any special terms or conditions being proposed by the parties that would affect the  
execution of this Consent Judgment including, but not limited to, the joint payment of the refund,  
the waiver of interest, etc.:

**IT IS FURTHER ORDERED AND ADJUDGED that refunds shall be made payable jointly to Petitioner named herein and its counsel, Honigman Miller Schwartz and Cohn LLP, and sent in care of such counsel.** Calculations of the refund amount shall also be sent to Petitioner's counsel at the same address.

HONIGMAN MILLER  
SCHWARTZ AND COHN LLP  
Attorneys for Petitioner.

SHIFMAN & CARLSON, PC  
Attorneys for Respondent,

By: \_\_\_\_\_  
Michael B. Shapiro (P20282)  
660 Woodward Avenue  
2290 First National Bldg.  
Detroit, Michigan 48226-3506  
(313) 465-7622

By: \_\_\_\_\_  
Robert Gavin, Esq. (P72726)  
31700 Middlebelt Road  
Suite 126  
Farmington Hills, MI 48334-2374  
(248) 406-0620

Dated: October 9, 2012

Dated: \_\_\_\_\_

OAK PARK

By: \_\_\_\_\_

M. Dean Bush, Assessor  
 13600 Oak Park Boulevard  
 Oak Park, MI 48237-2090  
 (248) 691-7552

**STATE OF MICHIGAN  
 DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
 MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
 MICHIGAN TAX TRIBUNAL**

NORTHLAND PLAZA ASSOCIATES, LLC,  
 Petitioner,

v

MTT Docket No. 414684

OAK PARK,  
 Respondent.

**MULTIPLE PARCEL ATTACHMENT A TO  
 STIPULATION FOR ENTRY OF CONSENT JUDGMENT**

1. The values for the property identified herein as established by Respondent's Board of Review are:

<b>Tax Year</b>	<b>Parcel Number</b>	<b>True Cash Value</b>	<b>Assessed Value</b>	<b>Taxable Value</b>
2011	52-25-31-326-003	\$2,476,200	\$1,238,100	\$1,029,710
2011	52-25-31-351-038	\$1,490,800	\$745,400	\$686,470
		<b>\$3,967,000</b>	\$1,983,500	\$1,716,180
2012	52-25-31-326-003	\$2,401,400	\$1,200,700	\$1,057,510
2012	52-25-31-351-038	\$1,466,800	\$733,400	\$705,000
		<b>\$3,868,200</b>	\$1,934,100	\$1,762,510

2. The values for the property identified herein as stipulated by the parties for settlement purposes are:

<b>Tax Year</b>	<b>Parcel Number</b>	<b>True Cash Value</b>	<b>State Equalized Value</b>	<b>Taxable Value</b>
2011	52-25-31-326-003	\$2,025,000	\$1,012,500	\$1,012,500
2011	52-25-31-351-038	\$1,300,000	\$650,000	\$650,000
		<b>\$3,325,000</b>	\$1,662,500	\$1,662,500
2012	52-25-31-326-003	\$2,025,000	\$1,012,500	\$1,012,500
2012	52-25-31-351-038	\$1,250,000	\$625,000	\$625,000
		<b>\$3,275,000</b>	\$1,637,500	\$1,637,500

Roll Call Vote:       Yes:   Jackson, Duplessis, Levine, Seligson  
                              No:   None  
                              Absent: McClellan

**MOTION DECLARED ADOPTED.**

**CM-11-380-12                   RESOLUTION AUTHORIZING THE CITY ATTORNEY TO  
APPEAR AND REPRESENT THE CITY IN COURT OF  
APPEALS CASE NO 312856; MTT DOCKET NO. 370214 –  
(HARMONY MONTESSORI CENTER V CITY OF OAK PARK) -  
APPROVED**

Motion by Duplessis, Seconded by Levine, CARRIED UNANIMOUSLY, to adopt the following resolution approving the city attorney appearance for the city in pending proceedings in the Michigan Tax Tribunal:

**CITY OF OAK PARK  
OAKLAND COUNTY, MICHIGAN**

**RESOLUTION APPROVING CITY ATTORNEY APPEARANCE FOR CITY IN CERTAIN  
PENDING PROCEEDINGS IN THE MICHIGAN TAX TRIBUNAL**

At a regular meeting of the City Council of the City of Oak Park, Oakland County, Michigan, held in the Council Chambers located at 13600 Oak Park Boulevard, Oak Park, Michigan 48237 at 7:00 P.M. Daylight Savings Time, on the 19th day of November, 2012.

**WHEREAS**, the Michigan Tax Tribunal granted the City's Motion for Summary Disposition affirming the City's denial to Harmony Montessori Center for tax exemption both as a charitable organization and as an educational organization; and

**WHEREAS**, the Petitioner in that case has appealed to the Michigan Court of Appeals; and

**WHEREAS**, the City Council has determined that it is in the best interests of the City, pursuant to Sections 4.14 and 4.15 of the City Charter and Section 2-157 of the Code of Ordinances of the City of Oak Park, that the City Attorney be authorized and directed to represent the City in the above-specified proceedings in the Michigan Court of Appeals.

**NOW, THEREFORE, BE IT RESOLVED** that:

1.       The City Council hereby authorizes and directs the City Attorney to file appearances and, working with the City Assessor, to take all necessary steps to represent the City of Oak Park in the

pending Michigan Court of Appeals proceedings involving Harmony Montessori Center, including but not limited to, filing briefs or other appropriate responses, participating in oral argument, participating in efforts to settle the disputes, and keeping the City Council informed as the matters progress.

2. All resolutions inconsistent with this resolution be and hereby are rescinded to the extent of such inconsistency.

Roll Call Vote:        Yes:    Jackson, Duplessis, Levine, Seligson  
                              No:    None  
                              Absent: McClellan

City Attorney Carlson indicated that he will supply Council with an estimate of costs related to this appearance.

**MOTION DECLARED ADOPTED.**

**CM-11-381-12                    RESOLUTION AUTHORIZING THE CITY ATTORNEY TO  
APPEAR AND REPRESENT THE CITY IN COURT OF  
APPEALS CASE NO 312855; MTT DOCKET NO. 429442 –  
(OHOLEI YOSEF YITZCHAK LUBAVITCH V CITY OF OAK  
PARK) - APPROVED**

Motion by Seligson, Seconded by Levine, CARRIED UNANIMOUSLY, to adopt the following resolution approving the city attorney appearance for the city in pending proceedings in the Michigan Tax Tribunal:

**CITY OF OAK PARK  
OAKLAND COUNTY, MICHIGAN**

**RESOLUTION APPROVING CITY ATTORNEY APPEARANCE FOR CITY IN CERTAIN  
PENDING PROCEEDINGS IN THE MICHIGAN TAX TRIBUNAL**

At a regular meeting of the City Council of the City of Oak Park, Oakland County, Michigan, held in the Council Chambers located at 13600 Oak Park Boulevard, Oak Park, Michigan 48237 at 7:00 P.M. Eastern Time, on the 19th day of November, 2012.

**WHEREAS**, the Michigan Tax Tribunal entered an opinion and judgment affirming the City's denial of a tax exemption to property that was under construction by Oholei Yosef Yitzchak Lubavitch while under construction and before being occupied for an exempt purpose; and

**WHEREAS**, the Petitioner in that case has appealed to the Michigan Court of Appeals; and

**WHEREAS**, the City Council has determined that it is in the best interests of the City, pursuant to Sections 4.14 and 4.15 of the City Charter and Section 2-157 of the Code of Ordinances of the City of Oak Park, that the City Attorney be authorized and directed to represent the City in the above-specified proceedings in the Michigan Court of Appeals.

**NOW, THEREFORE, BE IT RESOLVED** that:

1. The City Council hereby authorizes and directs the City Attorney to file appearances and, working with the City Assessor, to take all necessary steps to represent the City of Oak Park in the pending Michigan Court of Appeals proceedings involving Oholei Yosef Yitzchak Lubavitch, including but not limited to, filing briefs or other appropriate responses, participating in oral argument, participating in efforts to settle the disputes, and keeping the City Council informed as the matters progress.

2. All resolutions inconsistent with this resolution be and hereby are rescinded to the extent of such inconsistency.

Roll Call Vote:        Yes:    Jackson, Duplessis, Levine, Seligson  
                              No:    None  
                              Absent: McClellan

Carlson clarified that the taxes disputed in this case were incurred by the current owner. Seligson indicated for the record that this organization has nickel and dimed the city for years and if they need anything from council in the future, his answer is no.

**MOTION DECLARED ADOPTED.**

#### **CITY MANAGER'S REPORT:**

#### **BUILDING PROJECT UPDATE:**

Director Kevin Yee provided the following project update:

**City Hall/PS** – The steel contractors are continuing to work and should be finishing up in the next 2-3 weeks. The roofing is scheduled to begin on December 3<sup>rd</sup> and should take a couple weeks to complete. The masons are continuing to work and their work will continue over much of the winter, and Rewold will continue to push to get the building enclosed for the winter.

The project will also have a lot of underground activity over the next couple weeks in order to bring the utilities into the building and the adjacent parking areas.

**Community Center** – The Phase 1 area has been open to the public. This includes the south entrance, main service counter and employee area, rooms 1-3, and easternmost rest rooms. There are some finishing touches that need to be completed, including the finishes in the south entrance vestibule and some other minor items.

Now that the elections are complete, the remaining portions of the building are under construction. The asbestos abatement and demolition will continue over the next couple weeks and all construction of the Community Center is scheduled to be completed by the end of the year.

Director Yee also provided the following financial spreadsheets for the project:

**Library/Community Center Current Funding Status**

11/14/2012

**City's Cash Flow  
Oakland County Bond  
Proceeds**

Proceeds	2,500,000
Bond Discount	-25,000
Bond Issuance Cost	-62,238
Interest Earned	<u>4,297</u>

**Total Revenues** 2,417,059

**Difference in Total Revenues and Total Expenditures:** -517,191 To be carried in the CH/PS budget

<b>Expenses</b>	<b>To Date</b>	<b>Budgeted</b>	<b>Total Expected</b>	<b>Over/Under budget</b>	<b>Details</b>
Construction Contract (Rewold)	1,701,840	2,095,745	2,120,000	24,255	Additional cost to add T & P, add pipe wrap, unforeseen conditions with renovation
		-			
HED	155,505	146,702	155,505	8,803	Estimate provided by HED for reimbursement from OC Building Authority. Will reduce amount in CH/PS line item
Asbestos testing and abatement	64,721	80,000	85,000	5,000	
Furniture	140,537	200,000	185,000	-15,000	
Move management	31,237	75,000	55,000	-20,000	Includes all moving related line items
Landscape Furniture	0	5,000	3,000	-2,000	
Low Voltage	77,165	75,000	90,703	15,703	Includes other IT related line items
Signage	12,916	40,000	45,000	5,000	Additional electrical work is required for the signs
Roof repairs on Library/CC & Cable Bldg	125,042	107,000	125,042	18,042	
Utility work for the Library	9,425	10,000	10,000	0	
Construction and Owners Contingency	36,990	104,787	60,000	-44,787	Miscellaneous contingency items, including electrical work, CAD services, adding above ceiling return air duct work and filling below ground duct work, other construction
<b>Totals:</b>	<b>2,355,379</b>	<b>2,939,234</b>	<b>2,934,250</b>	<b>-4,984</b>	<b>\$4,984 under budget after contingency</b>

**City Hall/Public Safety Current Funding Status**

10/15/2012

**City's Cash Flow**

Total Bond Proceeds	13,326,647
Road Construction Fund	500,000
Bond Fees	-59,002
Amount Carried from Lib/CC	-517,191
<b>Total Revenues</b>	<b>13,250,454</b>
<b>Total Expected Expenditures:</b>	<b>13,074,822</b>

**Total Revenues less Total Expected Expenditures:** 175,632 Additional funds that can be added to contingency

Expenses	<u>To Date</u>	Budgeted	Total Expected	Over/Under budget	Details
Construction Contract (Rewold)	1,678,710	9,733,286	9,758,286	25,000	Currently change orders expected for a roofing change and addition of conduit per our request
HED	564,806	667,595	731,545	63,950	Total expected includes approval of all submitted modifications (1-5) for budget purposes
Attorney Fees	37,114	50,000	50,000	0	
Furniture	0	200,000	200,000	0	
Asbestos testing and abatement	15,069	60,000	60,000	0	
Landscape Furniture	0	15,000	15,000	0	
Kitchen Equipment	0	20,000	20,000	0	
City Hall Equipment	0	50,000	50,000	0	
PS Equipment/furniture	23,000	400,000	400,000	0	
Low Voltage	8,188	125,000	125,000	0	Includes all low voltage wiring and systems
IT Equipment (equipment and move)	3,500	175,000	175,000	0	Includes all moving, installation, support, backup power, systems, etc.
Security	0	200,000	200,000	0	
Testing and soil remediation	23,431	150,000	100,000	-50,000	
General Service Demolition Total	54,298	72,000	55,000	-17,000	Including asbestos removal, move management



Playgrounds at Rothstein/Victoria	176,783	178,000	176,783	-1,217	
Signage	0	60,000	75,000	15,000	Includes electrical run to monument signs
Phone System (Modification/New)	0	125,000	125,000	0	
Move Management	44,372	150,000	150,000	0	Includes scanning of documents
Audio/Visual	6,775	160,000	162,000	2,000	
Branding/Artwork	0	16,000	16,000	0	
Miscellaneous Professional Services	30,366	100,000	100,000	0	Testing, site investigation, geotechnical work
DTE lighting	929	50,000	80,000	30,000	
Utility connections	1,137	50,000	50,000	0	
Fitness Center Equipment	0	10,000	10,000	0	
Construction and Owners Contingency		257,941	257,941	0	Contingency increased based on total available
Soft Cost Subtotal	989,767	3,083,595	3,126,328		
Additional Contingency based on total:		175,632			
Total:	2,668,477	13,250,454	13,142,555	-107,899	Under total budget with increased contingency

Director Yee clarified that \$517,191 is an amount that has always been anticipated to be expended from the Library/Community Center budget for the City Hall/Public Safety project.

**CM-11-382-12      REQUEST TO ADVERTISE FOR BIDS FOR THE 2012 BLOCK PRUNING PROJECT - APPROVED**

Motion by Seligson, Seconded by Duplessis, CARRIED UNANIMOUSLY, to approve the request to advertise for bids for the 2012 Block Pruning Project.

Roll Call Vote:        Yes:   Jackson, Duplessis, Levine, Seligson  
                              No:     None  
                              Absent: McClellan

Director Yee indicated that 1200 to 1300 street trees are identified for pruning throughout the city. He clarified that the purpose is to elevate the trees on the streets and to trim to make the trees healthier not to trim around power lines which would be the responsibility of DTE.

Council Member Levine asked about tree removal and Mr. Yee responded that while there are no plans to contract out tree removal he is asking for a bid price for comparison and emergency purposes.

**MOTION DECLARED ADOPTED.**

**CM-11-383-12                      REQUEST TO CHANGE HUNTINGTON NATIONAL BANK'S  
USE OF SIGNATURES   - APPROVED**

Motion by Seligson, Seconded by Levine, CARRIED UNANIMOUSLY, to adopt the following resolution authorizing the change of signatures at Huntington National Bank:

**CITY OF OAK PARK, OAKLAND COUNTY, MICHIGAN**

**RESOLUTION REGARDING FACSIMILE SIGNATURES AT HUNTINGTON NATIONAL  
BANK**

Motion by Seligson, seconded by Levine, CARRIED UNANIMOUSLY: To adopt the following:

BE IT RESOLVED,

The Huntington National Bank (the "Bank") is hereby authorized and directed to honor as genuine and authorized instruments of the City of Oak Park any and all checks, drafts or other orders for the payment of money drawn in the name of the City of Oak Park and signed with the Authorized Facsimile(s) of any of the following:

<b>Name:</b>	<b>Title:</b>	
Saundra Crawford	Director	of
	Finance/Treasurer	
T. Edwin Norris	City Clerk	

FURTHER RESOLVED, that:

- (i) the City of Oak Park assumes full responsibility for any and all payments made by the Bank in reliance upon the Authorized Facsimile of any person or persons named in the foregoing resolution;
- (ii) the foregoing resolutions shall be in addition to any other resolutions now on file with the Bank, and that said resolutions shall continue in full force and effect; and

- (iii) an official of the City of Oak Park is authorized and directed to deliver to the Bank, a copy of this resolution and the specimens of the Authorized Facsimiles of the persons named above.

I further certify that there is no provision in the law or regulations governing said City of Oak Park which limits the power of the City of Oak Park to pass the foregoing resolution and that the same are in conformity with the law and regulations governing the City of Oak Park, have not been modified or rescinded and are in full force and effect.

I, T. Edwin Norris, duly authorized City Clerk of the City of Oak Park, Michigan; do hereby certify that the above resolution is a true and correct copy of a resolution adopted by the Oak Park City Council at a Regular Council Meeting held on November 19, 2012.

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T. Edwin Norris, City Clerk

#### **CALL TO AUDIENCE:**

Mayor ProTem Jackson announced that it was the time for the Call to Audience. Each speaker's remarks are a matter of public record; and the speaker, alone, is responsible for his or her comments. The City of Oak Park does not, by permitting such remarks, support, endorse, or accept the content, thereof, as being true or correct. There is a three-minute time limit per speaker.

There were no comments from the public.

Director of Public Safety Steve Cooper addressed the Council and thanked the residents of Oak Park and City Council for their support of the local ballot proposal. Three public safety officers will be back on the job by November 28, 2012.

#### **CALL TO COUNCIL**

Council Member Levine wished everyone a Happy Thanksgiving.

Council Member Duplessis thanked all residents and city employees who worked so hard during the Election and also wished everyone a Happy Thanksgiving.

Council Member Seligson also wished everyone a great holiday.

Mayor ProTem Jackson recognized former Oak Park Mayor Gerald Naftaly who has written a book on the history of Oak Park and that he plans to donate proceeds from the book to the Oak Park Library. She also wished everyone a Happy Thanksgiving and reminded everyone to rake their leaves for pick-up.

There being no further business to come before the City Council, Mayor ProTem Jackson adjourned the meeting at 7:45 PM.

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T. Edwin Norris, City Clerk

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Angela Diggs Jackson, Mayor ProTem